

# Legalman &

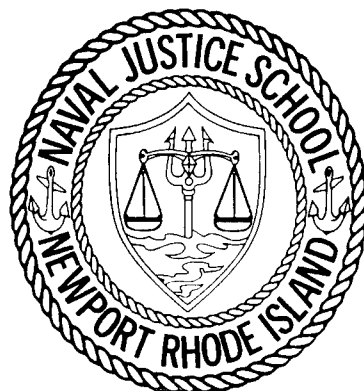
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# Legal Clerk

## *Study Guide*



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DTIC QUALITY INSPECTED 1

# November 1994 edition



DEPARTMENT OF THE NAVY

NAVAL JUSTICE SCHOOL  
360 ELLIOT STREET  
NEWPORT, RI 02841-1523

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From: Commanding Officer, Naval Justice School  
To: Director, Defense Technical Information Center, (Attn:  
DTIC-FDA), Cameron Station, Alexandria, VA 22304-6145

Subj: REQUEST FOR ASSIGNMENT OF DTIC AD NUMBER

Encl: (1) Legalman and Legal Clerk Study Guide, November 1994  
(2) DTIC Form 50 (for the above manual)

1. A DTIC Accession Notice Card (DTIC Form 50) is provided for the enclosed publication. Please assign a new AD number as appropriate and advise us of the number assigned. To facilitate your reply, please return the card or call DSN: 948-3800, commercial (401) 841-3800.

2. We would appreciate your forwarding one copy of this publication to the National Technical Information Service for sale and distribution to the public. The annual printing of Naval Justice School publications is limited to the number actually required for direct distribution to students attending our courses.

A handwritten signature in black ink, appearing to read "R. D. Fuentes".

ROBERT D. FUENTES  
By direction

**INTRODUCTION**

This Student Study Guide is intended for use by the students enrolled in the Legalman/Legal Clerk Course at Naval Justice School, Newport, Rhode Island.

It is recognized, however, that this Student Study Guide will be an invaluable tool for use by persons in the field as well. With this in mind, several disclaimers may be in order:

1. Law and regulations change; therefore, we can only ensure the accuracy of the material contained herein as of the date of printing. You **MUST** keep this in mind while using this Student Study Guide as a working tool in the field.

2. The organization of this Student Study Guide may seem illogical to the casual observer. Keep in mind that the primary purpose of this Student Study Guide is to aid the student in the Legalman/Legal Clerk Course; therefore, it is organized to follow the curriculum of the Legalman/Legal Clerk Course of instruction.

3. Abbreviations are used throughout this Student Study Guide. For definitions of these abbreviations, refer to the Military Justice Study Guide.

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SECTION 1

MILITARY JURISDICTION

This section of the Legalman/Legal Clerk Course Student Study Guide contains information concerning jurisdiction, as it relates to members of the armed forces.

ADMINISTRATIVE REMARKS

NAVPERS 1070/613 (Rev. 1-76)

S/N 0106-LF-010-6990

E-32

SEE BUPERSMAN 5030420

SHIP OR STATION

PERSUPPDET, NETC, NEWPORT, RI

5 Jun CY: Held involuntarily beyond normal expiration of obligated service awaiting trial by court-martial. Authority MILPERSMAN 1050155.

*I. M. Perfect*

I. M. PERFECT, P/C, USN, Personnel Officer  
By direction of the Officer in Charge

PAGE 13 USED FOR THE PURPOSE OF INVOLUNTARILY EXTENDING A PERSON BEYOND NORMAL EAOS TO AWAIT DISPOSITION OF CHARGES PENDING TRIAL BY COURT-MARTIAL.

NOTE: MAY NOT BE USED FOR NJP PURPOSES - ONLY TRIAL BY COURT-MARTIAL

NAME (Last, First, Middle)  
BANKS, Robin Dale

SSN  
123-45-6789

BRANCH AND CLASS  
USN

WARNING: LEGAL HOLD! WARNING: LEGAL HOLD! WARNING: LEGAL HOLD!  
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WARNING: LEGAL HOLD! WARNING: LEGAL HOLD! WARNING: LEGAL HOLD!

Date: \_\_\_\_\_

MEMBER PENDING TRIAL BY COURT-MARTIAL: DO NOT DISCHARGE  
WITHOUT AUTHORIZATION FROM THE LEGAL OFFICER.

MEMBER PENDING NJP: DO NOT TRANSFER, AUTHORIZE LEAVE,  
OR ISSUE TAD/TEMADD ORDERS WITHOUT AUTHORIZATION FROM  
THE LEGAL OFFICER.

\_\_\_\_\_  
(Rank/Name of Legal Officer)  
(Command and Phone #)

\* THIS COVER IS TO BE PLACED ON RIGHT-HAND SIDE OF MEMBER'S  
SERVICE RECORD.

MEMBER'S NAME : \_\_\_\_\_  
SSN : \_\_\_\_\_

SECTION 2

ARTICLE 31, UCMJ

This section of the Legalman/Legal Clerk Student Study Guide contains a copy of the SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT forms. (JAGMAN A-1-m(1), (2) and (3)).



SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)

SUSPECT'S RIGHTS AND ACKNOWLEDGEMENT/STATEMENT

FULL NAME (ACCUSED/ SUSPECT)	SSN	RATE/RANK	SERVICE(BRANCH)
ACTIVITY/UNIT			DATE OF BIRTH
NAME (INTERVIEWER)	SSN	RATE/RANK	SERVICE(BRANCH)
ORGANIZATION		BILLET	
LOCATION OF INTERVIEW		TIME	DATE

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

(1) I am suspected of having committed the following offense(s); \_\_\_\_\_

\_\_\_\_\_

(2) I have the right to remain silent; -----

(3) Any statement I do make may be used as evidence against me in trial by court-martial; -----

(4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both; and-

A-1-m(1)

(5) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview, -

-----

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that, -----

(1) I expressly desire to waive my right to remain silent; -----

(2) I expressly desire to make a statement; -----

(3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to any questioning; -----

(4) I expressly do not desire to have such a lawyer present with me during this interview; and -----

(5) This acknowledgement and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me. -----

SIGNATURE (ACCUSED/SUSPECT)	TIME	DATE
SIGNATURE (INTERVIEWER)	TIME	DATE
SIGNATURE (WITNESS)	TIME	DATE

The statement which appears on this page (and the following \_\_\_\_\_ page(s), all of which are signed by me), is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

\_\_\_\_\_  
SIGNATURE (ACCUSED/SUSPECT)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A-1-m(3)

SECTION 3

UNAUTHORIZED ABSENCE AND ASSOCIATED SERVICE RECORD ENTRIES

This section of the Legalman/Legal Clerk Student Study Guide contains information relative to service record documentation of absence offenses and excerpts from the MILPERSMAN and PAYPERSMAN.

committed in the civil community, except in extraordinary circumstances, should be left within the jurisdiction of the civil authorities.

#### 3420500 CIVILIAN EMPLOYMENT OF MEMBERS ON ACTIVE DUTY

1. Employment outside that required by military duties of members serving on active duty is fully addressed in SECNAVINST 5370.2.

#### 3430100 POLICY REGARDING UNAUTHORIZED ABSENCE AND DESERTION OF NAVY MEMBER

1. The following definitions are useful to understanding unauthorized absence and deserter matters:

a. An unauthorized absence (UA) describes any member not classified administratively as a deserter who is absent without authority from a unit, organization, or other place of duty.

b. A deserter, for the purposes of these articles, is an administrative term used to describe a UA member who the command believes has expressed an intent to remain away permanently. An absentee will be declared a deserter:

(1) immediately, if the facts and circumstances of absence, without regard to the length of absence, indicate that the member may have committed the offense of desertion, as defined in Article 85 of the Uniform Code of Military Justice (UCMJ) and Part IV of the Manual for Courts-Martial, United States, 1984; or

(2) when the member has been absent without authority for 30 consecutive days; or

(3) immediately, if the member is absent without authority, without regard to the length of absence, and has gone to, or shown intention of going to, any foreign country, or remains in any foreign country and requests or accepts any type of asylum or residence permit from that country or any of its governmental agencies.

c. The parent command is the ship or station to which a member is assigned administratively for accounting purposes and ultimately responsible for all documentation throughout the deserter process. The parent command is responsible for declaring the member a deserter.

(1) A member who is absent without authority while assigned in a temporary additional duty (TEMADD) status is considered to be absent from the parent command. The command to which a member is assigned TEMADD is responsible for notifying the parent command of the member's absence.

(2) A member who is absent without authority while assigned in a temporary duty (TEMDU) status, except TEMDU - For Further Transfer, is considered to be absent from the TEMDU command. The TEMDU command is considered the parent command.

d. Return to military control or jurisdiction is an administrative term used for the purpose of determining when the running of lost time stops. It does not establish the termination period of unauthorized absence for criminal purposes. Return to military

control or jurisdiction occurs on the hour and date when an absentee or deserter:

- (1) surrenders to military authorities;
- (2) is delivered to military authorities;
- (3) is apprehended by military authorities; or

(4) has died. A member will continue to be listed as a deserter with the Bureau of Naval Personnel (Pers-842) until Pers-842 is notified of member's death. If the date of death precedes the date of declaration of desertion, the parent command is responsible for determining whether removal of the status of unauthorized absence is appropriate.

e. Termination of unauthorized absence is a legal term used for the purpose of defining the criminal aspect of when the absence stops. This termination date will form the basis of a later charge and specification under the UCMJ. It occurs when an absentee or deserter:

- (1) surrenders to military authorities;
- (2) is apprehended by military authorities;
- (3) is apprehended by civil authorities on behalf of the military authorities solely on the basis of the absence or desertion; or
- (4) is made available by civil authorities to military authorities after an arrest for a civil offense.

#### 2. Apprehension of Absentees and Deserters

a. The responsibility for coordinating apprehension and return of absentees rests normally with the unit commanding officer. Units may request assistance from Pers-842 or directly from Navy Absentee Collection Units.

b. The responsibility for coordinating the apprehension and return of Navy deserters rests primarily with the Deserter Branch of the Bureau of Naval Personnel (Pers-842) and its component activities, the Navy Absentee Collection Units (NACUs). NACU members will initiate actions and coordinate efforts with civil law enforcement authorities in locating and apprehending Navy deserters.

(1) The Deserter Branch of the Bureau of Naval Personnel (Pers-842) manages the Navy's Deserter Apprehension Program. The Navy Deserter Information Point (DIP), a component of Pers-842, operates on a 24-hour basis. Responsibilities include control, accounting, and dissemination of information concerning members administratively classified as deserters as well as providing timely and complete deserter information to civil law enforcement agencies, and initiating the return of deserters apprehended by civil authorities. The DIP, which is the only authorized entry point of warrants for desertion into the National Crime Information Center Wanted Persons File, can be reached at Defense Switched Network (DSN) 224-2551 or toll free 1-800-336-4974. The NACUs, under the direct control of Pers-842, are responsible for the collection and delivery of deserters to the proper command and for liaison with civil law enforcement agencies. NACUs are located in:

- (a) Norfolk, Virginia
- (b) Jacksonville, Florida
- (c) Great Lakes, Illinois
- (d) San Diego, California
- (e) Seattle, Washington

(2) NACU members will pick up deserters detained by civil authorities as soon as possible after the establishment of return to military control and will coordinate the delivery of all apprehended Navy deserters. **(No Navy activities will collect, transport, or facilitate the release from civil authorities of a Navy deserter unless authorized specifically by Pers-842.)**

c. Members of the Armed Forces may apprehend absentees and deserters under the circumstances prescribed by Article 7b of the UCMJ and Rules for Courts-Martial (R.C.M.) 302(b) of the Manual for Courts-Martial, United States, 1984. Naval personnel will not normally apprehend suspected absentees and deserters outside the confines of military installations.

(1) Any civilian officer having authority to apprehend offenders under laws of the United States or of a state, territory, commonwealth, or possession, or the District of Columbia, is authorized to apprehend deserters from the Armed Forces and deliver them into the custody of those forces. This authority is derived from Article 8 of the UCMJ and Rules for Courts-Martial (R.C.M.) 302(b) of the Manual for Courts-Martial, United States, 1984.

(2) United States authorities may apprehend absentees and deserters in foreign countries only when authorized by an international agreement with local authorities when such agreement is within the purview of an existing international agreement. In the latter case, possible international implications and adverse foreign reactions must receive careful consideration. Outside the jurisdiction of the United States, major commands will take such initial actions as the local situation may warrant, within the primacy of international agreements, to secure cooperation in apprehending absentees and deserters.

3. Commands are responsible for monitoring a member's status while confined or hospitalized. Absentees may not be declared deserters when the circumstances surrounding the absence are beyond their control, such as:

- a. civil arrest and confinement;
- b. hospitalization;
- c. other unusual circumstances determined to be unintentional.

4. Military attaches or mission chiefs in foreign countries will not accept the offer of a deserter or absentee to return to military control unless the United States is directly responsible for the presence of the member in the country where assistance is requested. Normally, such deserters and absentees will be advised to report at their own expense to a proper

United States military installation within the United States or overseas. Unless they are citizens of the country in which assistance is requested, absentees and deserters will be reported to the authorities of such foreign countries with a view towards deportation. If the member departs the foreign country or is deported, the military attache or mission chief will make arrangements, if possible, when such departure is known, to have the member taken into custody upon arrival within a territory where United States military officers have authority to apprehend.

#### 5. Acceptance and Disposition of Returned Deserters

a. Any military installation manned by active duty members will receive absentees and deserters. Immediate action will be taken to transfer a member to the nearest installation of their branch of service having facilities to process absentees and deserters. Pers-842 will direct the movement of apprehended deserters.

b. Upon return to military control, a deserter will be returned normally to their duty station if the absence is for less than 1 year, with the following exceptions:

(1) Deserters from overseas shore activities or units homeported overseas who return to military control in the 48 contiguous United States and Puerto Rico will be transferred to the major disciplinary activity or Navy processing unit closest to the point of return to military control. If the member returns to military control in the same overseas locale, the member will be returned to the parent command. If the member is returned to another overseas locale, request special disposition instructions from Pers-842.

(2) Members assigned to deployed submarines will be returned to the group or squadron.

(3) Members who have been absent for a period of 6 months to 1 year and who are attached to a unit that is deployed when the member is returned to military control will be transferred to the major disciplinary activity or Navy processing unit closest to the point of return to military control. If the unit is scheduled to return to home port within 30 days, the member will be delivered to the major disciplinary activity nearest to the unit's homeport for further transfer to the unit.

(4) If a member from a deployed unit cannot be returned to the deployed parent command within 30 days after return to military control, the member will be transferred to the major disciplinary activity or Navy processing unit closest to the homeport of parent command for disciplinary action or disposition when approved by Pers-842.

c. Deserters absent for more than 1 year will be returned normally to the major disciplinary activity or Navy processing unit closest to the point of return to military control. Standard disciplinary and processing activities for the purpose of this article are:

Naval Education and Training Center, Newport, RI  
 Transient Personnel Unit, Long Beach, CA  
 Transient Personnel Unit, Puget Sound, WA  
 Transient Personnel Unit, Philadelphia, PA  
 Naval Air Station, Corpus Christi, TX  
 Transient Personnel Unit, Jacksonville, FL

Naval Air Station, Memphis, Millington, TN  
 Naval Air Station, Pensacola, FL  
 Naval Submarine Base, New London, CT  
 Transient Personnel Unit, Charleston, SC  
 Transient Personnel Unit, Great Lakes, IL  
 Transient Personnel Unit, Norfolk, VA  
 Transient Personnel Unit, San Diego, CA  
 Transient Personnel Unit, San Francisco, CA

d. Waivers of the above policy may be authorized if substantial extenuating circumstances exist. If a deserter cannot be returned to the parent command within 30 days from the date of return to military control (excluding hospitalization), notify Pers-842 by requesting a waiver of policy. This waiver request must be made by message to Pers-842 with an information copy to the parent command and its immediate superior in command. Apprehended deserters will not normally be returned to overseas locations where housing for members in a disciplinary status is not available. Members from afloat commands who surrender are considered reliable for transportation to any overseas locale to meet their command.

6. Disciplinary action must be prompt. It should be consistent, uniform, and according to prescribed standards. When a member has been declared a deserter erroneously, see Article 3430300.6.

#### 3430150 PROCEDURES FOR COMMANDS TO WHICH ENLISTED ABSENTEES ARE ATTACHED

1. Commands will follow these procedures when a member absents himself or herself from assigned duty station:

a. List member on the daily Absentee Report prescribed by U. S. Navy Regulations. Include member's name, social security number, date and time of unauthorized absence, circumstances of the unauthorized absence, and Unit Identification Code (UIC), to which member is attached. Provide copy of Absentee Report to the disbursing office or appropriate Personnel Support Activity Detachment. The Absentee Report shall be the basis on which pay and personnel actions addressed below are effected.

b. The following actions (not all inclusive) should be completed immediately, relative to checking circumstances: (1) inspect local living quarters for clues to member's whereabouts; (2) question cohorts about possible whereabouts; (3) inquire of member's local next-of-kin or friends about possible whereabouts; (4) check with local disbursing office for member's requested distribution of funds, then inquire of that banking institution as to recent, large withdrawal of funds; (5) inquire of local hospitals (military and civilian); (6) inquire of local law enforcement agencies (military and civilian); (7) inquire of local transportation management office about member acquiring recent long-distance transportation arrangements; (8) inquire of local religious and counselling services as to recent visits by member in which over-powering personal concerns might have caused member to leave without authority. If the member's physical whereabouts remains unknown and foul play is suspected, strong consideration should be given to requesting the assistance of professional criminal investigative agencies. This is of special importance at overseas locations due to the small number of personnel who may fall under these circumstances while outside the continental United States.

Note that if circumstances indicate the person does not intend to return, declare the member a deserter (manifest intent) according to MILPERSMAN 3430250.

c. In foreign ports, where the aid of the civil authorities is required, the commanding officer will, in addition to the above actions, furnish a copy of a DD 553, Deserter/Absentee Wanted by the Armed Forces, to the nearest consulate of the United States.

d. When a member's period of unauthorized absence is less than 24 hours, make a NAVPERS 1070/613, Administrative Remarks (Page 13), entry to the service record with the exact hours and date(s) of the unauthorized absence's beginning and end, and circumstances of the unauthorized absence.

e. When the member has been absent over 24 hours, prepare and distribute the NAVPERS 1070/606, Record of Unauthorized Absence, under paragraph 90435; Table 9-4-38 of the NAVSO P-3550, Navy Pay and Personnel Procedures Manual (PAYPERSMAN); and the NAVSO P-3069, Source Data System Procedures Manual (SDSPROMAN), Volume I, Paragraph A30721 and Volume II, Paragraph B70517.

f. On the 10th day of absence the disbursing officer will stop all allotments.

g. On the 10th day of absence, notify the next-of-kin in the following format, with a copy provided to the Staff Chaplain at the appropriate Naval Reserve Readiness Command within the geographical location of the addressee:

"I regret the necessity of informing you that your (son, daughter, husband, wife, etc.), (insert rate and full name of absentee), who enlisted in the Navy on (date) and was attached to (name of ship or station) has been on unauthorized absence since (date). Should you know of (his or her) whereabouts, please urge (him or her) to surrender to the nearest naval or other military activity immediately. The gravity of the offense increases with each day of absence. At this time all pay and allowances, including allotments, have been suspended pending return to Navy jurisdiction. Should (he or she) remain absent for 30 days, we will declare (him or her) a deserter. Information will be provided to the FBI National Crime Information Center Wanted Persons File, which is available to all Federal, state, and local law enforcement agencies. A Navy Reserve chaplain living near you is available for counsel in resolving this serious problem. Communication with a chaplain in this situation is considered confidential. Therefore, a chaplain may be a valuable resource to assist you in determining your best course of action. If you desire to confer with a Navy chaplain regarding this unauthorized absence, you may contact: Staff Chaplain, Naval Reserve Readiness Command, (address, telephone)."

2. When a member fails to report in compliance with transfer orders, commands will follow these procedures:

a. Contact the member's previous command to verify the member's status and ensure absence is not a result of modification or cancellation of orders.

b. Make "Failed to Report" diary entry.

c. Prepare a NAVPERS 1070/613 in duplicate from

information contained in the advance copy of orders, showing date and hour the member failed to report in compliance with orders as follows:

"(Date): Issued orders by (name of ship or station) to report to (prospective ship or station) not later than (hour and date). Failed to report in compliance with such orders and is on unauthorized absence from that time and date. (Signature of commanding officer.)"

d. Open a skeleton service record and file the original NAVPERS 1070/613, NAVPERS 1070/606, a copy of the NAVCOMPT 536, Standard Transfer Order (STO), and other pertinent documents. Request a duplicate service record for issuing the DD 553, or for disciplinary action from the Chief of Naval Personnel (Pers-324).

e. Prepare and distribute NAVPERS 1070/606.

3. When a member misses ship's movement, make the following Page 13 entry to the absentee's service record:

"Missed sailing of this vessel from (place of sailing) on (date) en route to (destination)." Include in the entry details whether the absentee had knowledge of the time scheduled for the movement, whether the absentee knew of the ship's destination, and whether the movement was substantial as distinguished from a mere shifting of berths in the same harbor or other minor movement.

4. When a member misses ship's movement from a foreign port, the ship must furnish the nearest United States consul a report containing information regarding the disposition to be made of any absentees should they be apprehended or seek consular aid after the departure of the vessel.

#### 3430160 PROCEDURES FOR COMMANDS TO WHICH INACTIVE RESERVE ENLISTED FAIL TO REPORT FOR INVOLUNTARY ACTIVE DUTY

1. Commands will follow these procedures when an inactive duty member fails to report as directed for involuntary active duty or active duty for training:

a. Prepare a NAVPERS 1070/613, Administrative Remarks (Page 13), in duplicate, using information contained on the copy of the member's orders showing the date and hour the member failed to report in compliance with orders. The entry should read:

"(Date): Issued involuntary (active duty/active duty for training) orders by (authorizing command) to report to (reporting command) not later than (hour and date). Failed to report in compliance with such orders."

b. When the member has failed to report over 24 hours, initiate administrative separations procedures and process member by reason of unsatisfactory participation in the Ready Reserve as evidenced by failure to report for involuntary active duty/active duty for training under MILPERSMAN 3630800.

2. Forward the processed case by letter of transmittal to the Chief of Naval Personnel (Pers-913).

#### 3430200 PROCEDURES WHEN AN ENLISTED ABSENTEE RETURNS TO NAVAL JURISDICTION

1. If there is any doubt whether the returned member has been declared a deserter, submit a Report of Return

of Deserter message as required by Article 3430300.

2. When an absentee returns to military control on board the parent command, that command will take the following actions:

a. In the case of unauthorized absences of less than 24 hours, comply with Article 3430150.1b.

b. In the case of unauthorized absences of more than 24 hours, prepare and distribute the NAVPERS 1070/606, Record of Unauthorized Absence, within 5 working days as specified in the NAVSO P-3050, Navy Pay and Personnel Procedures Manual (PAYPERSMAN) and the NAVSO P-3069, Source Data System Procedures Manual (SDSPROMAN), Volume I, paragraph A30721 and Volume II, paragraph B70517.

c. When the member returns after 10 days' absence, notify the next-of-kin of the member's return, with a copy of the letter to the Readiness Command Staff Chaplain who was originally notified per Article 3430150.1g.

d. Take appropriate disciplinary action.

3. When an absentee returns to a unit other than their parent command, that command will take the following actions:

a. Communicate immediately with the member's parent command, requesting confirmation of the member's status.

b. Ask absentee for date and hour of absence and parent command, complying with Article 31(b) of the Uniform Code of Military Justice.

c. In coordination with the supporting Personnel Support Activity Detachment (PERSUPPDET), return surrenderee to his or her parent command by first available means of transportation. If an absentee's parent command is outside of the 48 contiguous United States or is deployed, comply with the NAVMILPERSCOMINST 4650.2, Issuance of the Navy Passenger Transportation Manual (PTM), to obtain overseas routing instructions and information on passport/visa requirements. Since there are no provisions to temporarily house the member except in military facilities while in a transient status, it is essential that the most direct and immediate transportation be secured. Passenger Reservation Requests (PRRs) must clearly state that the member is traveling under Technical Arrest Orders (TAOs) in a disciplinary status or failed to report in compliance with funded Personnel Change of Station (PCS), temporary duty (TEM DU), or Temporary Active Duty (TEMADD) orders.

(1) Surrenderee traveling in connection with funded (PCS/TEM DU/TEMADD) orders. The orders will be endorsed using NAVCOMPT 3067, Detaching (Departing) Endorsement to Orders - (Officer-Enlisted) (OCR), and NAVCOMPT 3068, Report (Arrival) Endorsement to Orders - (Officer-Enlisted) (OCR). In the remarks section of NAVCOMPT 3067 include the following statement:

"I understand that all expenses and travel costs in connection with this transfer which are in excess of the original cost of my (PCS/TEM DU/TEMADD) orders will be charged against my pay record."

If the member is not in possession of the original or



copies of funded orders, then Technical Arrest Orders (TAOs), will be issued and a NAVPERS 1070/613, Administrative Remarks (Page 13), entry will indicate member not in possession of funded (PCS/TEMU/TEMADD) orders.

(2) Surrenderee not traveling under funded orders. Issue TAOs using NAVCOMPT 536, Standard Transfer Order, per NAVPERS 15909E, Enlisted Transfer Manual (ENLTRANSMAN), Chapter 23. Clearly indicate on them "Transferred in a Disciplinary Status" and include the following statement:

"(Date). I acknowledge receipt of these orders. I have read their contents and understand that failure to comply with these orders will render me liable to charges of further unauthorized absence, disobedience of orders, or manifest desertion as the circumstances may warrant. I also understand that all expenses and travel costs in connection with this transfer will be charged against my pay records."

(a) Include signature, rate, and social security number of absentee. Include signature, name, and grade of witness.

(b) In this situation, the PERSUPDET will issue a U.S. Government Transportation Request (GTR) subject to checkage to cover transportation cost per NAVMILPERSCOMINST 4650.2. When possible, provide a cash advance to a member without funds to cover local transportation from the transportation terminal to their ultimate destination. Prepare a DD 139, Pay Adjustment Authorization, to ensure that member's pay account is adjusted for the cost of travel. Use correct accounting data from NAVSO P-1000-2, Navy Comptroller Manual, Volume 2.

(3) Prepare a Page 13 entry as in paragraph 1a, providing as much information as possible. Add the following to this entry:

"(DATE): Written Technical Arrest Orders were issued and delivered this date transferring (name of absentee) to (name of parent command) in a disciplinary status in (his or her) own custody to report not later than (hour and date required to report). (Name of absentee) has acknowledged in writing the receipt of such orders."

(4) Provide the original Technical Arrest Orders (TAOs), Pay Adjustment Authorization (PAA), and NAVPERS 1070/613 to the member and forward a signed copy of each to the parent command. If there is an intermediate command, provide a copy of the TAO to that command.

d. Ensure the absentee's appearance will not reflect discredit on the naval service. Utilization of a PAA is authorized when purchase of clothes is warranted.

#### 3430250 PROCEDURES FOR COMMANDS TO WHICH ENLISTED DESERTERS ARE ATTACHED

1. Desertion will date from the time the unauthorized absence commenced. In cases of failure to return from leave or liberty, the desertion commences at the time leave or liberty expired. Every practical effort will be made by all concerned to locate and return absentees and deserters as expeditiously as possible. Parent commands will make a vigorous effort to investigate circumstances surrounding absences and to expedite

appropriate notification procedures.

2. Commands must take the following action to declare an enlisted member as a deserter:

a. Prepare and submit the Declaration of Desertion message no later than the 31st day of a member's unauthorized absence. See Article 3430100 to see if it is appropriate to declare a member before the 31st day. If the 31st day falls on a weekend or holiday, then the message will be submitted on the 1st work day following the member's 30th day of unauthorized absence in the format that follows. All items must be completed. Indicate unknown or not applicable when necessary. (Note that if unit does not hold service record, obtain duplicate record from the Bureau of Naval Personnel (Pers-324) prior to preparation of the message and DD 553, Deserter/Absentee Wanted by the Armed Forces). This report is assigned Report Control Symbol BUPERS 1600-3, Report of Declaration of Desertion.

FM (ORIGINATING ACTIVITY)  
TO BUPERS WASHINGTON DC//PERS 842//  
INFO DFAS CLEVELAND CENTER, CLEVELAND OH//J3J//  
EPMAC NEW ORLEANS LA//J3J//  
DON CAF WASHINGTON DC//J3J//  
(OTHER APPROPRIATE INFO ADDEES INCLUDING  
DISBURSING ACTIVITY THAT HOLDS THE DESERTER'S  
PAY RECORD)

UNCLAS //NO1626//

SUBJ: REPORT CONTROL SYMBOL BUPERS 1600-3, REPORT OF  
DECLARATION OF DESERTION (PERS-842)

MSGID/GENADMIN/(ORIGINATOR)//

FOC/(NAME/RANK/TELEPHONE)

RMKS/

1. MEMBER'S RATE, FULL NAME, BRANCH AND CLASS OF SERVICE, SOCIAL SECURITY NUMBER.

2. DECL DESERTER (DATE) HAVING BEEN AN UNAUTHORIZED ABSENTEE SINCE (UA TIME AND DATE) FROM (ACTIVITY NAME AND UIC).

3. MEMBER IS CURRENTLY CARRIED IN ACCOUNTING CATEGORY (ACC CODE) ON COMMAND'S EDVR.

4. IDENTIFYING INFORMATION: (ITEMS A - H ARE REQUIRED ITEMS):

A. HEIGHT (IN INCHES).

B. WEIGHT.

C. COLOR OF HAIR/COLOR OF EYES.

D. SEX/RACE.

E. CITIZENSHIP (US; IMMIGRANT ALIEN; NON-IMMIGRANT ALIEN/FILIPINO, ETC.)

F. VISIBLE SCARS, MARKS, AND TATTOOS (CHECK MEDICAL RECORD).

G. ALIAS(ES).

H. DATE AND PLACE OF BIRTH.

I. HOME OF RECORD

J. DRIVER'S LICENSE NUMBER, STATE OF ISSUE, AND YEAR OF EXPIRATION

K. EXPIRATION OF ACTIVE OBLIGATED SERVICE (EAOS)

5. DD 553, DESERTER/ABSENTEE WANTED BY THE ARMED FORCES, PREPARED AND MAILED TO PERS-842. (YES/NO). (IF NO, INDICATE EXPECTED DATE OF MAILING.)

6. MEMBER'S CURRENT SECURITY CLEARANCE: (NONE, CONFIDENTIAL, SECRET, TOP SECRET). (IF PERSONNEL ARE INDOCTRINATED FOR SENSITIVE COMPARTMENTED INFORMATION (SCI), INCLUDE COMNAVINTCOM WASHINGTON DC OR COMNAVSECGRU WASHINGTON DC, AS APPROPRIATE, AS INFO ADDRESSEES ON THE MESSAGE.)

7. NOK AND READINESS COMMAND STAFF CHAPLAIN HAVE BEEN

NOTIFIED OF MEMBER'S ABSENCE/DESERTION. (YES/NO).  
(SEE ARTICLE 3430150.)

8. VEHICLE LICENSE PLATE NUMBER, STATE OF ISSUE, VEHICLE ID NUMBER, YEAR, MAKE, MODEL, COLOR, AND NAME OF OWNER IF OTHER THAN MEMBER.

9. REMARKS: (INDICATE IF THE MEMBER IS KNOWN TO BE ARMED AND DANGEROUS, HAS SUICIDAL TENDENCIES, IS WANTED FOR OTHER OFFENSES, OR HAS ANY MENTAL DISORDER IF MEMBER UNDER SENTENCE OF CM OR IF MEMBER FLED TO AVOID TRIAL BY CM. INCLUDE ANY OTHER INFORMATION THAT COULD AFFECT OR ASSIST IN EFFORTS TO LOCATE AND APPREHEND THE MEMBER, SUCH AS NAMES, ADDRESSES, DOB OF ALL FAMILY MEMBERS, AND RECENT LEAVE ADDRESSES.)

b. Prepare a NAVPERS 1070/613, Administrative Remarks (Page 13), service record entry containing all the information in the Declaration of Desertion message.

c. Prepare the DD 553 on the day of declaration and mail it along with a copy of the member's NAVPERS 1070/602, Dependency Application/Record of Emergency Data (Page 2); DD 1966, Record of Military Processing-Armed Forces of the United States, 1 through 8 (Enlistment Forms); and any recent leave papers to Chief of Naval Personnel (Pers-842), Washington, D.C. 20370-5842. (Leave the Distribution block blank.) This report is assigned Report Control Symbol BUPERS 1600-1. Prompt and accurate completion of the DD 553 is extremely important. For a failed to report member, use information obtained from the duplicate service record discussed in Article 3430150.2. In order to enter the member into the FBI National Crime Information Center (NCIC) Wanted Persons File, the Deserter Branch (Pers-842) must receive the DD 553. If further information is obtained after submission of the DD 553, it should be forwarded immediately to Pers-842. Include a photograph of the deserter if at all possible.

d. In foreign ports, where the aid of the civil authorities is required, the commanding officer will, in addition to the above actions, furnish a copy of the DD 553 to the nearest consul of the United States.

e. Desertion cases are complicated by the fact that upon their return, members are normally separated from their records. These records are required so the pay account may be adjusted or reopened and that they may be uniformed, fed, berthed, and made available for service as soon as possible. The records of returned deserters are necessary so evidence may be available to sustain charges. Incorrect procedures and incomplete or improper authentication of service record entries result in undue delay in bringing offenders to trial. In numerous cases, deserters have not been brought to trial or have not been convicted due to lack of sufficient documentary evidence to establish commission of the offenses involved. Commands must ensure the complete and timely submission of documents.

3. Commands will dispose of records and personal effects as follows:

a. Send personal effects to the distribution center at Cheatham Annex, Naval Supply Center, Norfolk, VA, or the Naval Supply Center, Oakland, CA, per NAVSUP P-485, Transportation of Personal Property Afloat.

b. Parent commands will retain a deserter's records for 180 days (except deployed submarines, see paragraph 4c below). After 180 days the command will send the service record, personal financial record (PFR), and health and dental records in an envelope marked "DESERTER--DO NOT OPEN IN MAIL ROOM" to the Chief of Naval Personnel (Pers-842), Washington, DC 20370-5842. If critical entries are incorrect or incomplete, records will be returned to parent commands for proper action. Commands will make sure that the following documents are complete, accurate, and included in the service record when it is forwarded:

(1) NAVPERS 1070/606, Record of Unauthorized Absence.

(2) NAVPERS 1070/613, Administrative Remarks (Page 13).

(3) Copy of NAVSUP 29, Inventory of Personal Effects (Lost-Abandoned-Unclaimed).

(4) Copy of DD 553, Deserter/Absentee Wanted by the Armed Forces.

The command will retain copies of the above documents, as well as a copy of the declaration message.

c. Submarine commanders will transfer records and personal effects to the appropriate group or squadron staff who will dispose of them according to paragraphs 4a and 4b above.

d. A decommissioning ship or unit will send records of all absentees and deserters to the Chief of Naval Personnel (Pers-842), Washington, DC 20370-5842. Pers-842 will administratively declare them as deserters on the 30th day of absence. The service record will clearly indicate the date that the ship or unit is to be decommissioned. Prior to submitting a final diary, with personnel on the Navy Military Personnel Enlisted Distribution and Verification Report (EDVR) in accounting category 109 or who have recently declared deserters not yet reflected on the EDVR, contact Pers-842 (Defense Switched Network (DSN) 224-2551/Commercial (703) 614-2551) 60 days prior to anticipated decommissioning, disestablishment or inactivation date so that Pers-842 can take appropriate action to delete these personnel from the activity account. The immediate superior in command is responsible for resolving any matters remaining after the decommissioning.

4. Upon receipt of the Declaration of Deserter message, Pers-842 will change the member's on-board personnel accounting status. The member will remain on the activity's EDVR in an administrative status only, ACC 109. If member returns to military control within 1 year of UA date, Pers-842 will change the member's ACC to the appropriate status. Commands should allow 60 days for this transaction to be reflected on their EDVRs. When the absence exceeds 1 year, Pers-842 will transfer member to BUPERS Deserter Account (UIC 41104).

5. Replacements for deserters will be provided according to priorities in the requisition system, based on availability of assets. Do not use Unplanned Personnel Loss Reports (UPLRs) for routinely reporting deserter losses on the 30th day of absence.

6. If a member has been declared a deserter for over 60 days and is reflected on the command EDVR as other than ACC 109, commands should resubmit the Declaration of Deserter message to Pers-842 and reference the original message.

### 3430300 PROCEDURES UPON RETURN OF ENLISTED DESERTERS

1. In order to remove the warrant for desertion from the FBI's Wanted Person's File, it is imperative the Deserter Branch (Pers-842) be notified of the return of a deserter. In addition to the procedures required by Article 3430200, commands will take the following actions when an administratively declared deserter returns to military control:

a. The activity to which the member initially returns to military control will transmit a message to the Bureau of Naval Personnel (Pers-842). Prepare the message in the format that follows. Upon member's return to parent command, it is imperative that the command verify that the message report has been submitted so that the member may be taken out of deserter status and removed from the FBI National Crime Information Center Wanted Person's File. If not submitted previously by an intermediate activity, the member's parent command will send the below message immediately to Pers-842, the branch which ensures member's removal from desertion status. This report is assigned Report Control Symbol BUPERS 1600-2, Report of Return of Deserter.

FM (ORIGINATING ACTIVITY)  
 TO BUPERS WASHINGTON DC//PERS-842//  
 (DESERTER'S PARENT COMMAND WHEN MEMBER RETURNS TO  
 ANOTHER ACTIVITY)  
 INFO EPMAC NEW ORLEANS LA//JJJ//  
 (NSC OAKLAND CA OR NSC CHEATHAM ANNEX  
 WILLIAMSBURG VA AS APPROPRIATE)  
 DFAS CLEVELAND CENTER, CLEVELAND OH//JJJ//

UNCLAS//NO1626//

SUBJ: /REPORT CONTROL SYMBOL BUPERS 1600-2, REPORT OF  
 RETURN OF DESERTER (PERS-842)//

MSGID/GENADMIN/(ORIGINATOR)//

POC/NAME/RANK/TELEPHONE//

RMKS/

1. (MEMBER'S RATE, FULL NAME, BRANCH AND CLASS OF  
 SERVICE, SOCIAL SECURITY NUMBER.)

2. DESERTER. UA FROM (COMMAND DECLARING DESERTION)  
 SINCE (TIME AND DATE).

3. (APPR OR SURR) TO (MIL/CIVIL AUTH) AT (TIME AND  
 DATE) AT (LOCATION).

4. RETURNED MIL CONTROL (TIME AND DATE) AT (LOCATION).

5. RETAINED ON-BOARD FOR (DISCIPLINARY ACTION/  
 DISPOSITION OR PENDING RETURN TO PARENT COMMAND) OR  
 TRANSFERRED TO (ACTIVITY).

6. NOK/READINESS COMMAND STAFF CHAPLAIN HAVE BEEN  
 NOTIFIED OF MEMBER'S RETURN TO MILITARY CONTROL.  
 (YES/ NO). (PARENT COMMAND SHOULD MAKE NOTIFICATION.)

### 7. REMARKS (AS APPROPRIATE)

b. The parent command or command to which the member is assigned for disciplinary action or disposition will complete and distribute the NAVPERS 1070/606, Record of Unauthorized Absence, according to paragraph 90435; Table 9-4-38 of the NAVSO P-3050, Navy Pay and Personnel Procedures Manual (PAYPERSMAN); and the NAVSO P-3069, Source Data System Procedures Manual (SDSPROMAN), Volume I, paragraph A30721 and A30722 and Volume II, paragraph B70510 thru B70512.

### 2. Surrenderes

a. In coordination with the supporting Personnel Support Activity Detachment (PERSUPPDET), return deserters to their parent command or appropriate disciplinary activity (see Article 3430100.5) by first available means of transportation. If a deserter's parent command is outside of the 48 contiguous United States or is deployed, follow the NAVMILPERSCOMINST 4650.2, Navy Passenger Transportation Manual (PTM), to obtain overseas routing instructions and information on passport or visa requirements. Since there are no provisions to temporarily house the member except in military facilities while in a transient status, it is essential that the most direct and immediate transportation be secured. Passenger Reservation Requests (PRRs) must clearly state that deserter is traveling under Technical Arrest Orders (TAOs) in a disciplinary-status or failed to report in compliance with funded permanent change of station (PCS), temporary duty (TEM DU), temporary additional duty (TEMADD), orders. Commands to which deserters surrender will determine whether the surrenderer is reliable for TAOs. Under most circumstances, members who surrender can be considered reliable. If there are indications that the member will not comply with orders returning them to their duty station, contact Pers-842 and request escort assistance, supplying justification for such a request. Requests may be made by telephone, but must be confirmed immediately by message, facsimile, or letter. Telephone: Defense Switched Network (DSN) 224-2551, toll-free 1-800-336-4974, or facsimile DSN 224-4009.

b. For returning deserters traveling in connection with funded (PCS/TEM DU/TEMADD) orders, the order will be endorsed using NAVCOMPT 3067, Detaching (Departing) Endorsement to Orders - (Officer-Enlisted) (OCR), and NAVCOMPT 3068, Reporting (Arrival) Endorsement to Orders - (Officer - Enlisted) (OCR). In the remarks section of NAVCOMPT 3067, include the following statement:

"I understand that all expenses and travel costs in connection with this transfer which are in excess of the original cost of my (PCS/TEM DU/TEMADD) orders will be charged against my pay record." If the member is not in possession of the original or copies of funded orders, then TAOs will be issued and a Page 13 entry will indicate member not in possession of funded (PCS/TEM DU/TEMADD) orders.

c. Returning deserters not traveling under funded orders will be issued TAOs using NAVCOMPT 536, Standard Transfer Order, per NAVPERS 15909E, Enlisted Transfer Manual (ENLTRANSMAN) Chapter 23. Clearly indicate on them "Transferred in a Disciplinary Status." Include

statement of acknowledgement of orders as stated in Article 3430200.

d. Prepare a NAVPERS 1070/613, Administrative Remarks (Page 13), entry as stated in Article 3430200.

e. Issue a cost charge U.S. Government Transportation Request (GTR) subject to checkage and prepare a DD 139, Pay Adjustment Authorization (PAA), as stated in Article 3430200.

f. Members who surrender should not be placed in civilian jails. Pers-842 may grant an exception in unusual circumstances.

3. Members who absent themselves from intermediate activities while awaiting return to their parent command are considered UA from the parent command, not the intermediate activity. The intermediate command is responsible for notifying the parent command of the member's new unauthorized absence. This is considered sufficient evidence to justify immediate redeclaration of desertion. A new DD 553 must be issued with the new date of desertion. Members who fail to comply with the TAOs are considered UA from the commands to which ordered. Failure to comply with the TAOs is considered sufficient evidence to justify immediate redeclaration of desertion by unit to which ordered. Commands issuing TAOs will counsel members that failure to comply with initial TAOs will result in transfer under guard.

#### 4. Apprehendees

a. Pers-842 will be notified of all deserters who have surrendered to or been apprehended by civil authorities. Unless specifically authorized by Pers-842, Navy activities will not pick up or escort deserters. Pers-842 will decide the disposition of each deserter and direct a Navy Absentee Collection Unit or coordinate with the nearest base shore patrol if an escorted move is required in only the local area. Do not accept deserters from civil authorities until approval is obtained from Pers-842.

b. Pers-842 will be notified of all deserters who are held in the hands of civil authorities with civil charges pending. Pers-842 will issue a military detainer and arrange escorts to pick up members upon their return to military control. If the deserter is convicted and sentenced to confinement, Pers-842 will assign responsibility of the case to an area coordinator for review and appropriate action.

5. When a member has been declared a deserter erroneously, notify Pers-842 and DFAS Cleveland Center, Cleveland, Ohio, by message as soon as member's status has been determined so that the member may be removed immediately from the deserter list and the FBI National Crime Information Center Wanted Persons File. Prepare NAVPERS 1070/607, Court Memorandum, for removal of erroneous mark of desertion. Refer to Article 5040150 on how to remove a mark of desertion from the permanent service record.

6. A declared deserter discharged in absentia as authorized by the Chief of Naval Personnel (Pers-83) is considered returned to military control for administrative purposes on the date prior to the actual discharge date. The discharging activity must transmit a Returned to Military Control message to Pers-842 for the purpose of clearing these members off the active deserter files. Prepare the message using the format

in paragraph 1a. The remarks section of the message will indicate the authority used for discharge in absentia and the actual date of discharge.

#### 3430350 PROCEDURES WHEN AN ENLISTED ABSENTEE OR DESERTER SURRENDERS OR IS DELIVERED TO A NAVAL HOSPITAL

1. The commanding officer of a naval hospital will follow the procedures pertaining to absentees and deserters set forth elsewhere in this Manual except as modified by this article.

2. When an enlisted absentee, unauthorized absence from a naval hospital while under treatment, surrenders or returns to military control to that hospital, the following procedures apply:

a. Temporary additional duty under treatment absentees will return to their duty station for disciplinary action upon completion of treatment.

b. Temporary duty under treatment absentees or with subsequent action resulting in a permanent change of station will receive disciplinary action by the commanding officer of the naval hospital for offenses not warranting trial by special or general court-martial. When the offense warrants such court-martial, the commanding officer of the naval hospital may take disciplinary action or transfer the member to the nearest disciplinary activity for disciplinary action and disposition upon completion of treatment.

3. When an absentee or deserter surrenders or returns to military control to a naval hospital after being absent from another activity the following procedures apply:

a. For required medical treatment that results in a period of hospitalization of 30 days or more for members attached to ships or 45 days or more for members attached to shore activities, naval hospitals will comply with procedures above pertaining to an absentee received for temporary duty under treatment.

b. When members required no medical treatment or in cases of medical treatment not stated above, members will return to their duty station or other appropriate processing activity for disciplinary action or disposition upon completion or treatment, if any, according to Article 3430300.

4. The commanding officer of the naval hospital conducts preliminary inquiry or pre-trial investigation on returned deserters or absentees transferred for disciplinary but with extended hospitalization, provided such action will not interfere with medical treatment.

#### 3440300 EMPLOYMENT OF PRISONERS

~~1. The policy of the Secretary of the Navy is that all able-bodied prisoners in naval custody in brigs who are not otherwise assigned should be employed in useful work. The full time employment of prisoners in comprehensive and diversified programs of education; military training; vocational training in maintenance, repairs, and industries, and in plain hard work is essential to their reformation. Commanding officers of brigs shall provide both work useful to the command, and training programs commensurate with prisoners' rank or pay grade. Commanders of other naval activities shall utilize the available labor of prisoners at~~

SECNAV, upon request by CHNAVPERS, for a volunteer who is medically qualified for active duty, and who has some special qualification or skill for which a military requirement exists and which cannot be met by a Regular or Reserve member under age 60. When service under these strict limitations is rendered after eligibility for retired pay has been achieved, such service will be fully credited to the member for retirement purposes.

6. Orders effecting release of reserve and retired personnel will be prepared according to instructions contained in this Manual.

#### 3640450 TIME LOST FROM ACTIVE DUTY WHICH MUST BE MADE UP

1. Under 10 U.S.C. 972, enlisted members of the Regular Navy and Naval Reserve who are otherwise eligible to be separated from active duty upon:

- a. expiration of enlistment, including a minority enlistment or an enlistment as extended;
- b. completion of the period for which inducted;
- c. completion of an additional service obligation; or
- d. completion of extended active duty or active duty for training in excess of 30 days or any period of additional (involuntary) active duty for training; who have lost time from their current enlistment or other current period of obligated service due to unauthorized absence, confinement, nonperformance of duty (civil arrest), or sickness resulting from misconduct (SKMC), will be required to make up such lost time day-for-day before being separated.

2. The requirement to make up lost time does not apply to fleet reservists, retired personnel, members placed on appellate leave awaiting review of court-martial per Article 3420280, or to members who are to be separated for reasons other than those set forth above.

3. Circumstances where lost time must be made up:

a. Unauthorized Absence. Any period of absence in excess of 24 consecutive hours which is administratively determined to be without authority and is not excused as unavoidable must be made up regardless of whether the member is tried by court-martial and acquitted of any or all such periods involved or whether any finding of guilty has been disapproved by higher authority. See NAVSO P-6048, DOD Military Pay and Allowance Entitlements Manual (DODPM), paragraph 10312. Show time to be made up by service record entries or other official records. When such records do not adequately reflect the duration of absence which must be made up, the findings of a court-martial, if applicable, will be considered in determining the period of absence which must be made up. Periods of unauthorized absence over annual, reenlistment, or emergency leave including leave granted in connection with transfer orders, which are excused as unavoidable, will be charged day-for-day against leave, and leave rations will be paid according to instructions governing commuted rations.

(1) In the case of a member who while on unauthorized absence is apprehended by civil authority but not convicted, the entire period of absence from duty shall be counted as unauthorized absence.

(2) If a member while on leave or liberty is taken into custody and held by the civil authority beyond

expiration of leave or liberty and is later released without trial, the absence from duty shall be considered as unavoidable and not as time lost, unless the member was released upon an agreement to make reparation for the offense for which arrested or unless the member is subsequently convicted by a court-martial on the same facts and/or of unauthorized absence for the period involved. A member released without trial upon agreement to make reparation will not be considered as having lost time if the absence is excused as unavoidable per pay directives.

b. Confinement. Any period in excess of 24 consecutive hours spent in confinement on or after 24 July 1956 under sentence adjudged by any court-martial must be made up. Since time spent in confinement before 24 July 1956 is not within the scope of this definition, members placed in confinement before such date will make up only the time spent in confinement on or after 24 July 1956. Confinement while awaiting trial is not counted as lost time if the member is acquitted of the charges involved or if no finding of guilty is upheld upon review. Time spent in confinement under sentence is counted as lost time only to the extent the sentence to confinement is upheld upon review and clemency action, if any. If a member served 9 months in confinement under a sentence which upon review is reduced to 6 months, time lost is only 6 months. Confinement before and during trial or under sentence is regarded as absence from duty pending final review and action.

(1) As used here, the term "confinement" means physical restraint imposed by oral or written orders of competent authority or as adjudged by sentence of court-martial, which deprives the member of freedom for the period involved. It does not include moral restraint which limits the member's personal liberty as in the case of arrest or restriction, or periods of confinement awaiting or imposed as nonjudicial punishment.

(2) Periods during which a sentence to confinement is interrupted or suspended for any of the causes set forth in the Manual for Courts-Martial are not considered as periods of confinement but, where appropriate, will be considered as period of unauthorized absence or nonperformance of duty (civil arrest).

c. Nonperformance of Duty (civil arrest). Any period in excess of 24 consecutive hours of nonperformance of duty while confined under sentence or while confined before and during trial by civil authority on or after 24 July 1956, if the member is convicted under the laws of the state or government concerned, must be made up. For the purpose of this paragraph, make no distinction between cases where the member is apprehended by the civil authorities and those where the member is delivered to them from naval custody.

(1) If the member is acquitted or the conviction is later set aside, the absence from duty is nonperformance of duty (civil arrest), and proper entry shall be made in the service record. A court order vacating the conviction because the member satisfactorily completed probation does not have the effect of excusing the lost time involved. If, as a result of appellate review, a sentence to confinement is reduced after it has been served, only that part of the sentence to confinement which remains after the sentence has become final is counted as nonperformance of duty (civil arrest).

(2) If a member is taken into custody by civil authorities while on authorized leave or liberty the

period during which so held while in a leave or liberty status is not counted as time lost. If the member's remaining leave or liberty is canceled while held by the civil authorities, the balance of the time so held is counted as lost time if convicted. The lost time to be made up for the unauthorized absence is not interrupted by the civil arrest even if the arrest is made under a military warrant for desertion; i.e., DD 553, Deserter/Absentee Wanted by the Armed Forces. Lost time stops when the absentee or deserter is physically picked up by military authorities or returned to a military activity.

d. Sickness Resulting from Misconduct (SKMC). This section applies only to enlisted members and is a period in excess of 24 consecutive hours of absence from regular duty, which is determined to be due to intemperate use of drugs or alcoholic liquor, or to disease or injury resulting from the member's own misconduct. The making of SKMC determinations is governed by JAGINST 5800.7, Manual of the Judge Advocate General, Chapter II. If the Convening Authority, after affording the member a hearing and reviewing the entire JAG Manual investigation, concludes that the absence from duty was due to intemperate use of drugs or alcoholic liquor, or disease or injury resulting from the member's own misconduct, the absence shall be considered as time lost pending final action by the officer exercising general court-martial convening authority.

4. Lost time which must be made up is computed on a day-for-day basis. In accounting for periods of absence from duty as defined above, count the first day of the absence as a day of absence from duty and the day of return to duty as a day of duty. When one type of lost time ends on the same day that a second type of lost time begins, count such day as the first day of the second type of lost time. If a member while on unauthorized absence is apprehended and convicted by civil authority and is then returned to military control on the day released by civil authority, count the day on which apprehended as a day of nonperformance of duty (civil arrest). If the absentee does not return to military control on the day released by civil authority, count the entire period of absence from duty as unauthorized absence without interruption by the civil arrest. A member whose absence from duty continues beyond expiration of enlistment or other period of obligated service will make up only the time actually lost from the enlistment or other period of obligated service. The proper method of computing lost time which must be made good is illustrated by the examples set forth at the end of this paragraph. Use this method to determine and compute time lost by enlisted personnel for cumulative service for retirement and for transfer to the Fleet Reserve, and by officers and enlisted personnel for determining entitlement to leave. See pay directives for the method to be used in computing service for pay purposes. All examples below are for the same calendar year.

a. Unauthorized absence commenced 0800, 9 March, and ended 0800, 10 March (24 hours). No deductible time as unauthorized absence did not exceed 24 hours.

b. Unauthorized absence commenced 0800, 28 February (not leap year), and ended 0830, 1 March (24 hours and 30 minutes). UA - 1 day (28 February).

c. Unauthorized absence commenced 2345<sup>+</sup> † June, and ended 0015, 3 June (24 hours and 30 minutes). UA - 2 days (1, 2 June).

d. Sentenced by special court-martial on 1 May to 3 days confinement. Confined at 1400 that day and released 0900, 3 May, after serving 3 days confinement as computed under Article 9301 of SECNAVINST 1640.9, Department of the Navy Corrections Manual. CONF - 2 days (1, 2 May).

e. Admitted for treatment for disease incurred due to own misconduct on 2 February. Discharged from treatment on 19 March. SKMC - 27 days in February, 18 days in March; total: 45 days.

f. Admitted for treatment for injury incurred due to own misconduct on 29 June. Diagnosis for further treatment changed on 16 August to sickness not due to own misconduct. SKMC - 2 days in June; 31 in July; 15 days in August; total: 48 days.

g. Unauthorized absence commenced 0800, 10 April. Apprehended by FBI agents at 0900, 13 July, and delivered for safekeeping to, and confined at, Air Force Base at 1100, 15 July. Delivered under guard to duty station at 1600, 25 July, and immediately placed in confinement awaiting trial. Tried by general court-martial on 31 July and sentenced to 6-months confinement. Released from confinement and restored to duty 24 December. UA - 21 days in April; 31 days in May; 30 days in June; 14 days in July; total: 96 days. CONF - 17 days in July; 31 days in August; 30 days in September; 31 days in October; 30 days in November; 23 days in December; total: 162 days. Total combined lost time: 258 days.

h. Delivered to civil authorities at 1600, 27 February, for trial by civil court. Convicted. Released to naval control at 0930, 6 March, after paying fine. Civil CONF - 2 days in February; 5 days in March; total: 7 days.

i. Unauthorized absence commenced 0800, 16 March. Apprehended by civil authorities on 20 March, confined, tried, and acquitted by civil authorities on 23 March. Returned to naval control on 23 March. UA - 7 days (16 - 22 March).

j. Apprehended by civil authorities, while on liberty, on 12 January and placed into civil confinement pending trial by civil authorities scheduled for 13 March. Member's expiration of active obligated service (EAOS) is 22 January.

(1) Command has not obtained approval from the Bureau of Naval Personnel (BUPERS) (Pers-83) to involuntarily extend member beyond EAOS to determine lost time. (See Article 1050155.1J). Member must be separated at EAOS before his or her trial. Time in confinement is considered nonperformance of duty and not lost time.

(2) Command has obtained approval from BUPERS (Pers-83) to involuntarily extend member beyond EAOS to determine lost time. On 22 January (member's EAOS), the command shall make a NAVPERS 1070/613, Administrative Remarks (Page 13) entry indicating member has been involuntarily extended beyond EAOS to determine lost time. On 13 March, the member is convicted by civil authorities and sentenced to time served. This qualifies as 11 days lost time, and member must return to duty to make up this time. The member's new EAOS is now 24 March.

(3) Command has obtained approval from BUPERS (Pers-83) to involuntarily extend member beyond EAOS to determine lost time. On 22 January (member's EAOS), the command shall make a Page 13 entry indicating member has been

involuntarily extended beyond EAOS to determine lost time. On 13 March, the member is acquitted of all charges by civil authorities. This qualifies as nonperformance of duty and member must either be allowed to reenlist, extend, or separate as soon as practicable.

5. Make entries on Page 13 of the service record to reflect each period of absence from duty as defined above. If lost time, must be made up, prepare and distribute a NAVPERS 1070/606, Record of Unauthorized Absence, per NAVSO P-3050, Navy Pay and Personnel Procedures Manual (PAYPERSMAN), and make an entry on Page 13 to show the extension of the enlistment, period of induction, or period of obligated active service, as appropriate, by the number of days to be made up. For this purpose, extend the enlistment, or other period of service, from the normal date of expiration thereof or from the date of restoration to full duty, whichever is later.

6. Reservists required to make up time lost from their obligated active service shall make up such time prior to release from extended active duty, active duty for training in excess of 30 days, or any period of additional (involuntary) active duty for training.

#### 3640455 RECOUPMENT OF ENLISTMENT AND REENLISTMENT BONUSES

1. Recoupment of unearned portions of enlistment bonus and reenlistment bonuses (regular and selective) is required:

a. When a member voluntarily or because of misconduct does not complete the term of enlistment, reenlistment, extension of enlistment, or anniversary year for which bonus was paid. Members discharged 3 months or less before expiration of enlistment for reasons set forth in NAVSO P-6048, DOD Military Pay and Allowance Entitlements Manual (DODPM), 10933n are considered to have completed the terms of enlistment, reenlistment, extension of reenlistment, or anniversary year for which the bonus was paid.

b. When a member is not technically qualified in the skill for which a bonus was paid (other than a member who is not qualified because of injury, illness, or other impairment not the result of misconduct).

2. Reasons for recoupment of enlistment and reenlistment bonus are contained in DODPM 10933 through 10936.

3. When recoupment is required, ensure NAVCOMPT 3060, Military Pay Order (Single) OCR (7220), is prepared using the guidelines contained in NAVSO P-3050, Navy Pay and Personnel Manual (PAYPERSMAN), 10974. For commands supported by Source Data Systems (SDS), submit Military Pay Order (MPO) event according to NAVSO P-3069, Source Data System Procedures Manual (SDSPROMAN), Volume 11, Article B10951-55.

4. Members shall not be retained in the service beyond the date they would otherwise be discharged solely for the purpose of recoupment of reenlistment bonus.

#### 3640457 FULFILLMENT OF THE 8-YEAR OBLIGATION

1. An 8-year obligor will be considered as having fulfilled their obligation when discharged:

a. administratively as authorized by the Chief of Naval Personnel for the purpose of complete separation

from military status;

b. by sentence of a court-martial; or

c. when obligor has served for a period of 8 years from the date of initial enlistment or induction as a member of the Armed Forces, Regular or Reserve, on active duty or inactive duty, or a combination of such duty. In computing service for this purpose, all periods of lost time from active service due to unauthorized absence, confinement, nonperformance of duty (civil arrest), and sickness misconduct as defined in this article or in this Manual relating to making up lost time shall be deducted. Upon completion of the period of service, the member shall, if otherwise eligible therefore, be discharged by reason of expiration of enlistment or fulfillment of service obligation, as appropriate.

2. The 8-year obligation is not considered terminated upon discharge or other type of separation for the purpose of immediate entry or re-entry in the same or any other component of the Armed Forces in the same or any status or for the purpose of entry into an officer training program in which the member has a military status. Additional service shall be counted toward fulfillment of the obligation.

3. Eight-year obligors shall not be discharged upon entry into an officer training program in which they would not have military status.

#### 3640470 PRESEPARATION INTERVIEW OF ENLISTED PERSONNEL

1. Prior to separation, all enlisted personnel shall be interviewed and informed as to whether or not they are recommended for reenlistment. In this interview, each member shall be afforded the opportunity to express his or her own desires regarding reenlistment intentions. Members must be given an opportunity, if eligible, to enlist in the Naval Reserve for inactive duty at the time of separation processing. Enlisted members who are not recommended for enlistment shall be informed of the reasons. The control standards in OPNAVINST 1160.5 and other applicable directives issued by the Chief of Naval Personnel (CHNAVPERS), should be consulted for guidance in making reenlistment recommendations.

2. The following information shall be entered on the NAVPERS 1070/613, Administrative Remarks (Page 13) of the service record, of enlisted members given a preseparation interview:

a. The date of the interview.

b. The member's expressed intention regarding reenlistment.

c. The commanding officer's recommendation regarding reenlistment. If member is not recommended for reenlistment and the RE-4 restrictive reenlistment code is assigned, a narrative reason for such recommendation is required. This includes those members who are not recommended by the commanding officer for reenlistment even though they meet the other requirements of the Reenlistment Quality Control Program (see OPNAVINST 1160.5).

3. Enlisted members recommended for reenlistment who indicate that they do not intend to reenlist on board their duty stations shall be advised of the requirement for CHNAVPERS approval for certain reenlistments as specified in OPNAVINST 1160.5, and shall be instructed



form. Follow typing instructions in Appendix E. Do not use this form for officers. Administrative offices will complete sections described in subpar. b to report the following events for enlisted members:

- (1) unauthorized absence (UA) more than 24 hours;
- (2) member in hands of civil authorities (IHCA);
- (3) change in EAOS date or EXPR ENL date due to unauthorized absence (UA), in hands of civil authorities (IHCA), or sickness due to misconduct (SKMC);
- (4) correct or modify a report made on a previous NAVPERS Form 1070/606.

The OCR original is used to summarize the period of absence in the member's bureau service record and serves as input to MAPTIS to adjust service data and pay items. **IT WILL NOT BE SUBMITTED TO COMNAVMILPERSCOM UNTIL AN ADMINISTRATIVE DETERMINATION OF THE ABSENCE HAS BEEN MADE IN ACCORDANCE WITH MILPERSMAN 3640450.**

Note: A member does not have to be taken to NJP or a court-martial to make a determination whether the period of absence is to be charged as leave, lost time, or excused. The form set remains with the member's service record until an administrative determination of the absence has been made. Refer to Table 9-4-38 for preparation and distribution of the NAVPERS Form 1070/606. Reports of desertion and returned deserters will be made by message to COMNAVMILPERSCOM.

**b. Restrictions on Use.** Do not use NAVPERS Form 1070/606 to report the following actions:

- (i) absence is 24 hours or less; record on ADMINISTRATIVE REMARKS (original page 13 only);
- (2) absence is 24 hours or less (absence over leave), and absence is excused as unavoidable. See Part One, Chapter 3;
- (3) absence of ACDUTRA personnel. Record on Administrative Remarks (original page 13 only);
- (4) to correct errors in blocks 39 through 42 on previously submitted document.

**90435 NAVPERS FORM 1070/606,  
RECORD OF UNAUTHORIZED  
ABSENCE**

**a. Description and Use.** The NAVPERS Form 1070/606 is a six-part carbon-interleaved

(Note: the automated system calculates lost time based upon entries in Sections B, C, and F and adjusts member's EAOS/EXP ENL, as required.) If necessary, make pen-and-ink corrections to the local service record and command copy of the NAVPERS Form 1070/606.

c. **Purpose of Sections.** There are 10 sections on the NAVPERS Form 1070/606 designated by alpha characters in the left margin.

(1) **Section A.** This section contains the date the form is prepared for signature and transmittal to COMNAVMILPERSCOM. It also identifies the activity submitting the form to COMNAVMILPERSCOM.

(2) **Section B.** This section reports UA and identifies the absence as over liberty, over leave, or without leave or liberty.

(3) **Section C.** This section reports IHCA and states whether member was delivered to or apprehended by civil authorities.

(4) **Section D.** This section reports issuance of the DD Form 553 and collection of personal effects.

★(5) **Section E.** This section indicates the UIC and activity the member was attached to when absence began.

(6) **Section F.** This section reports member's return to military jurisdiction.

(7) **Section G.** This section reports the CO's determination regarding the absence:

- (a) reported in error,
- (b) excused as unavoidable and charged as leave,
- (c) SKMC,
- (d) not excused,
- (e) days of lost time,
- (f) change of EAOS,
- (g) change of EXPR ENL.

(8) **Section H.** This section corrects entries reported on previous NAVPERS Forms 1070/606.

(9) **Section I.** This section contains narrative remarks required for amplification of information entered in Sections A through H.

(10) **Section J.** This section contains the signature of the officer authorized to sign. It also identifies the member by name, SSN, rate, and UIC.

d. **Detailed Entries.** Complete the numbered blocks as indicated in subpars. (1) through (55).

(1) **Block 1, DATE OF SUBMISSION.** In seven alpha-numeric characters (YRMONDA), type the date the form is prepared for final signature and submission to COMNAVMILPERSCOM. Example: 84JUN04.

(2) **Block 2, SHIP OR STATION.** Type the name and location of the activity submitting the form to COMNAVMILPERSCOM. Commonly accepted abbreviations may be used. Examples: NAVSTA SDIEGO, USS AMERICA (CVA 66) AT NORVA.

(3) **Block 3, UNAUTHORIZED ABSENCE FROM: HOUR.** In four digits (0001-2400) type the hour the unauthorized absence began. In the case of absence over liberty excused as unavoidable enter: for regular liberty the hour liberty expired, for special liberty the hour liberty commenced. If the member is on leave and leave expires at 2400, or if a member is due to report to an activity not later than 2400, enter 0001 of the following day as time UA commenced.

(4) **Block 4, UNAUTHORIZED ABSENCE FROM: DATE.** In seven alpha-numeric characters (YRMONDA) type the date the unauthorized absence began. Example: 75SEP24. In the case of absence over liberty excused as unavoidable enter: for regular liberty the date liberty expired, for special liberty the date liberty commenced.

(5) **Block 5, OVER LIBERTY.** If the member was on authorized liberty when the UA began, type an X here; otherwise, leave blank. If this block is used, blocks 6 and 7 must be used

reflecting an hour and date equal to or earlier than blocks 3 and 4.

(6) **Block 6, LIBERTY BEGAN, HOUR.** If there is an X in block 5, type in block 6 the hour (0001-2400) the liberty began. In the case of absence over liberty excused as unavoidable enter: for regular liberty the hour liberty commenced, for special liberty the hour will be the same as stated in block 3.

(7) **Block 7, LIBERTY BEGAN, DATE.** If there is an X in block 5, type in block 7 the date the period of liberty began. Enter the date in the following format: 75DEC15. In the case of absence over liberty excused as unavoidable enter: for regular liberty the date liberty commenced, for special liberty the date will be the same as stated in block 4.

(8) **Block 8, OVER LEAVE.** If the member was on authorized leave when the UA began, type an X here. An X in block 8 also indicates the member failed to report, if he had orders authorizing DELREP to count as leave. Otherwise, leave blank.

(9) **Block 9, AWOL.** If the member was absent without leave or liberty, type an X here. An X in block 9 may also indicate the member failed to report, if he had orders which did not authorize DELREP to count as leave. Otherwise, leave blank.

(10) **Block 10, HELD AND CHARGED BY CIVIL AUTH., HOUR.** In four digits (0001-2400), type the hour IHCA began. Example: 0400. Use blocks 10 and 11 only if member is held by civil authorities for a civil offense and has not been returned to military control. Do not complete if the member was initially held on civil charges which were dropped when the member was returned to military control.

(11) **Block 11, HELD AND CHARGED BY CIVIL AUTH., DATE.** In seven alpha-numeric characters (YRMONDA), type the date IHCA began. Example: 76FEB20. Complete only if block 10 is used.

(12) **Block 12, DELIVERED TO CIVIL AUTH.** If the member was delivered or surrendered

to civil authorities, type an X in block 12 and leave block 13 blank. Include a brief explanation in block 49. Use block 12 only if member is going to be charged for a civil offense.

(13) **Block 13, APPREHENDED BY CIVIL AUTHORITIES.** If the member was apprehended by civil authorities, type an X in block 13 and leave block 12 blank. Use block 13 only if apprehended for a civil offense.

(14) **Block 14, DD 616 ISSUED.** Leave blank. The DD Form 616 will be issued by the Deserter Information Point upon receipt of a return message.

(15) **Block 15, AT (ORGANIZATION AND LOCATION).** Enter the name of the jail, hospital, or other organization, and the city or town and state where the member is held and charged.

(16) **Block 16, UNAUTHORIZED ABSENCE FOR 10 DAYS, DD Form 553 ISSUED.** When a DD Form 553 has been issued, type an X in this block.

(17) **Block 17, PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING.** When the absentee's personal effects have been collected, inventoried, and placed in safekeeping, type an X in this block. Enter the location of personal effects in block 49.

★(18) **Block 18, UIC MEMBER UA FROM.** Enter the five-digit UIC of the activity the member was UA from. See Illustrations 9-4-38h and i.

★(19) **Block 19, ACTIVITY MEMBER UA FROM.** Type the name of the military activity the member was UA from. See Illustrations 9-4-38g through 9-4-38i.

(20) **Block 20, RETURNED TO MILITARY JURISDICTION, HOUR.** In four digits (0001-2400), type the hour the member returned to military control. Type 0800 for members discharged in absentia. This may be any non-Navy military activity but not a civilian activity.

(21) **Block 21, RETURNED TO MILITARY JURISDICTION, DATE.** In seven alpha-numeric characters (YRMONDA), type the date member

returned to military control. Type the date of discharge for members discharged in absentia. This may be any non-Navy military activity but not a civilian activity.

(22) **Block 22, DELIVERED/APPREHENDED.** If the member was delivered to military jurisdiction or apprehended by military authorities, type an X in this block. If the member surrendered to military jurisdiction or is discharged in absentia, leave this block blank.

(23) **Block 23, SURRENDERED.** If the member surrendered to military jurisdiction, type an X in this block. If member was delivered, apprehended, or discharged in absentia, leave blank. (Refer to Illustration 9-4-38s when member is discharged in absentia.)

(24) **Block 24, DD 616 Issued.** Leave blank. DD 616 will be issued by the Deserter Information Point upon receipt of the deserter return message.

(25) **Block 25, RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY).** Type the name of the military activity to which member returned to military control. If the member is being discharged in absentia, type the name of the activity discharging the member. This may be a non-Navy activity but not a civilian activity. If the member was apprehended by civil authorities and returned to military control by notification of the Navy Deserter Information Point, enter Deserter Information Point in this block and block 49. If civil charges are pending, complete section C.

(26) **Block 26, UIC.** Enter the five-digit UIC of the activity shown in block 25. UICs are in NAVCOMPT Manual, Volume 2, Chapter 5. If the activity in block 25 is a non-Navy activity with no UIC assigned, leave blank. Use UIC 41104 for the Navy Deserter Information Point.

(27) **Block 27, RET. ON BOARD.** If member is retained on board the activity shown in block 25 for determination or to be discharged in absentia, type an X in block 27; otherwise, leave blank and complete block 28.

(28) **Block 28, TRANSFERRED TO: (ACTIVITY).** If member is transferred from the activity

shown in block 25, type the name of the new activity in block 28. If this block is filled, block 27 will be blank.

(29) **Block 29, UIC.** If block 28 is filled, type the five-digit UIC of that activity in block 29. UICs are in NAVCOMPT Manual, Volume 2, Chapter 5.

(30) **Block 30, DETERMINATION NOT UNAUTHORIZED ABSENCE.** If the CO determines that the absence was reported in error, type an X here. See MILPERSMAN 3840180. If an X appears in block 30, complete block 31 and leave blocks 32 through 40 blank. For distribution of NAVPERS 1070/606, refer to Table 9-4-38, Rule 11 (if a NAVPERS 1070/606 was not sent to COMNAV-MILPERSCOM) or Rule 12 (if a NAVPERS 1070/606 was submitted to COMNAV-MILPERSCOM).

(31) **Block 31, NAVPERS 1070/606 WHICH REPORTED ABSENCE IN ERROR.** Type the date of the NAVPERS 1070/606 which reported the absence noted in block 30. Use the date entered in block 1 of the copy forwarded to the DO. Refer to Table 9-4-38, Rules 11 and 12.

(32) **Block 32, ABSENCE EXCUSED UNAVOIDABLE.** If absence is excused as unavoidable, type an X in this block and complete block 33. To determine whether a period of absence can be excused as unavoidable, refer to MILPERSMAN 3020330 and Table 1-1-3 of the DODPM. Absence excused as unavoidable cannot be charged as leave during a period the member was held by civil authorities whether the member was or was not convicted of the civil offense.

(33) **Block 33, CHARGED NO. DAYS LEAVE (DAY FOR DAY).** If an X appears in block 32, type in block 33 the number of days to be charged against member's leave account on a day-for-day basis. NOTE: The first day of absence is charged as a day of leave while the "0900 rule" on the date of return applies.

(34) **Block 34, SKMC FROM.** If the CO determines that the absence is due to sickness, misconduct, type the beginning date in this block and a date in block 35. Also complete block 36 or 37, as applicable, and blocks 39 through 42. Leave block 38 blank when reporting SKMC.

NOTE: If the period of absence is due to SKMC, sections B and C will also be completed. Refer to Illustration 9-4-38k for preparation of the NAVPERS 1070/606.

(35) **Block 35, TO.** Enter the date SKMC ended in this block. The dates in blocks 34 and 35 are inclusive dates actually charged as being lost time. Example: the member was released from the hospital and returned to duty on 79SEP04. This date will be reported in block 21 and is counted as a day of duty, not a day of SKMC. The date of 79SEP03 will be typed in block 35.

★(36) **Block 36, DISEASE DUE TO USE OF ALCOHOL/DRUGS.** If SKMC was due to disease resulting from intemperate use of alcohol or drugs, type an X in block 36 and leave block 37 blank. An "X" in this block means the member is entitled to the allowances but not to basic pay, special, or incentive pay. See DODPM par. 10325.

★(37) **Block 37, OTHER.** If SKMC was not due to disease described in subpar. (36), type an X here. Example: injury, simple drunkenness, etc. An "X" in this block means no pay was lost, but it would be considered as lost time. This entry will extend the member's EAOS to make up lost time.

(38) **Block 38, ABSENCE NOT EXCUSED.** If the CO determines that the absence is not excused, type an X here. If an X appears in block 38, leave blocks 30 through 33 blank, and complete blocks 39 through 42. (If the member SKMC, leave blank.)

(39) **Block 39, CHARGE NO. DAYS LOST TIME (30-DAY MO).** If an entry appears in block 34 or 38, enter the number of days lost time computed on a 30-day-month basis. See DODPM, par. 10110. The entry in this block will adjust the member's PEBD and certain monthly pay items. Lost time must be computed based on the dates in blocks 4 and 21 regardless of the member's EAOS date. See Appendix J.

(40) **Block 40, CHARGE NO. DAYS LOST TIME (DAY-FOR-DAY).** If an entry appears in block 34 or 38, enter the days of lost time computed on a day-for-day basis. See DODPM, par. 10108, and MILPERSMAN 3840180. The entry in this

block will adjust the member's ADSD, EAOS date, expiration of enlistment date, leave account, and pay items credited on a daily basis. Lost time must be computed based on the dates in blocks 4 and 21 regardless of the member's EAOS date. See Appendix J.

(41) **Block 41, CHANGE EAOS TO.** In seven alphanumeric characters (YRMONDA) enter the member's new EAOS date. Example: 75MAR25. This new date results from time lost because of UA, SKMC, or IHCA. See Appendix J for computing lost time. Leave blank if member has not been restored to full duty. Upon restoration to full duty status, pen and ink the member's adjusted EAOS.

(42) **Block 42, CHANGE EXPR ENL TO.** Use for USNR members only. In seven alphanumeric characters (YRMONDA) enter member's new expiration of Reserve enlistment (EREN) date. This new date results from time lost because of UA, SKMC, or IHCA. For USN members, leave blank. See Appendix J for computing lost time. Leave blank if member has not been restored to full duty. Upon restoration to full duty status, pen and ink the member's adjusted EREN.

(43) **Block 43, ADJUST PREVIOUSLY SUBMITTED 1070/606.** If this form is being prepared to correct a previously submitted form, type an X in block 43, complete block 44 through 48 as applicable, and complete the remainder of the form as if it were the original submission.

(44) **Block 44, DATED.** Type the date of the NAVPERS 1070/606. The date in this block will be the date which appears in block 1 of the previously submitted form being adjusted. If this block is filled, leave blocks 30 and 31 blank.

(45) **Block 45, CORRECTED INFO ENTERED ABOVE.** If blocks 43 and 44 have been completed and the corrected information entered above, type an X here; otherwise, leave blank.

(46) **Block 46, ERRONEOUSLY REPORTED LEAVE.** If block 33 of the previous form charged the wrong number of days of leave, repeat

the erroneous number in block 46. Enter the correct number in block 33 of this form. If a number appears here, type an X in block 45 and complete blocks 43 and 44.

(47) **Block 47, ERRONEOUSLY REPORTED LOST TIME (30-DAY MONTH).** If block 39 of the previous form charged the wrong number of days of lost time, repeat the erroneous number here. Enter the correct number in block 39 of this form. If a number appears here, type an X in block 45 and enter corrected dates in blocks 41 and 42. Complete blocks 43 and 44.

(48) **Block 48, ERRONEOUSLY REPORTED LOST TIME (DAY FOR DAY).** If block 40 of the previous form charged the wrong number of days of lost time, repeat the erroneous number here. Enter the correct number in block 40 of this form. If a number appears here, type an X in block 45 and corrected dates in blocks 41 and 42. Complete blocks 43 and 44.

(49) **Block 49, AMPLIFYING REMARKS.** Enter narrative remarks required to amplify information on member's absence. Examples:

- (a) time, date, activity from which UA commenced;
- (b) time, date, and place UA terminated;
- (c) circumstances of missing movement;
- (d) circumstances of return when civil authorities are involved;
- (e) transfer of records and accounts;
- (f) IHCA preceded by UA;
- (g) circumstances of error when NAVPERS 1070/606 reports a correction.

Each individual entry in block 49 must be signed by the CO or individual authorized to sign by direction of the CO as shown in Illustration 9-4-38L. The command must be indicated because these entries may be made by more than one activity on the same NAVPERS 1070/606.

(50) **Block 50, SIGNATURE OF AUTHORIZING OFFICIAL, RANK/GRADE.** In the blank space below block 50, type the name and rank of the person authorized to sign the form. If the CO or officer in charge of a PSD is not the authorizing official, the name, rank and BY DIRECTION OF

THE CO or BY DIRECTION OF PSD OFFICER IN CHARGE will be typed below the signature. This block will be signed on the OCR original when the form is ready for submission to COMNAV-MILPERSCOM and not before. Signature in this block will cover all entries on the form except those in block 49. Each entry in block 49 must be signed individually at the time the entry is made. Each copy separately forwarded to the DO will be signed in block 50.

(51) **Block 51, UNIT ID CODE.** Enter the five-digit UIC of the activity transmitting the form to COMNAV-MILPERSCOM. UICs are listed in NAVCOMPT Manual, Volume 2, Chapter 5.

(52) **Block 52, RATE.** Enter member's rate abbreviation (do not include specialty designation).

(53) **Block 53, NAME.** Enter member's last name, first name, and middle name. Do not include spaces, hyphens, or apostrophes in last name. Type a comma after the last name. If member has only an initial instead of a first or middle name, enclose the initial in quotation marks. If there is a suffix, such as JR, SR, or III, it will follow the middle name. If member has no middle name, indicate with NMN. Examples:

JONES, JOHN PAUL  
OMALLEY, KEVIN "T"  
STJOHN, MELVIN NMN

(54) **Block 54, SSN.** Enter member's Social Security number with hyphens after the third and fifth digits.

(55) **Block 55, BRANCH/CLASS.** Enter member's branch and class of Service, USN or USNR, as appropriate.

e. **Distribution.** Distribute original and copies of NAVPERS 1070/606 as shown in Table 9-4-38.

f. **Illustrations.** Samples of NAVPERS 1070/606 are shown in Illustrations 9-4-38a through 9-4-38s.

g. **Correction Procedures**

(1) **Document in Error.** See subpars. d(30) and (43).

(2) **EDVR in Error.** See par. 90486b(2)(d).

TABLE 9-4-38 PREPARATION, DISTRIBUTION OF MAVPERS 1070/606 AND RELATED DOCUMENTS										
V	A	B	C	D	E	F	G	H	I	J
1	If the member is in UA over 74 hours (Notes 1 & 2)		complete MAVPERS 1070/606 as in Illustration 9-4-38a	original OCR retain form-set in service record	first copy second copy	third copy	fourth copy	fifth copy		
2	Intentions to desert are manifest		Illustration 9-4-38b			forward to DO (Note 3)	retain in service record	retain in service record		message report IAW MILPERSMAN 3430250 (Info NAVFINCEN and DO handling absentee's pay account).
3	is INCA (not preceded by UA)		Illustrations 9-4-38c & 9-4-38d							
4	is UA		Illustrations 9-4-38e (Notes 4 & 5)			previously forwarded to DO				
5	is UA for 30 days			Retain form-set in service record. Forward with service record to COMNAV MILPERSCOM (MOPC-843) after member has been UA for 180 days.						message report IAW MILPERSMAN 3430250 (Info NAVFINCEN and DO handling absentee's pay account).
6	returns from UA over 74 hours		Illustrations 9-4-38f & 9-4-38g	forward to MMPCC when CO determines absence (Note 6)	retain in service record	forward to DO	forward to DO upon return (Note 3)	forward to DO upon determination (Note 7)		message report IAW MILPERSMAN 3430300 (Info NAVFINCEN (4312)
7	returns to an activity other than activity UA from		Illustration 9-4-38h (Note 8)							
8	INCA combined UA and	member returns to military jurisdiction	Illustration 9-4-38i (Note 8)							
9	is INCA		Illustration 9-4-38j (Note 8)							
10	Absence is SMPCC		Illustration 9-4-38k (Note 4)							

Table 9-4-38



11	absence was reported in error	NAVPER 1070/606 not sent to NNPC	Illustration (Note 4)	destroy	destroy	destroy	previously forwarded to DO	forward to DO	
12		NAVPER 1070/606 was sent to NNPC	Illustration 9-4-38r	retain in service record (Note 9)	OCR retain file		forward to DO (Note 6)	destroy	correspondence to COMNAVILPERSCOM (NNPC 312) requesting removal of both erroneous and corrected NAVPERS 1070/606a. Do not forward this correspondence until removal of lost time is reflected on EDVR.
13	is discharged in absentia		Illustrations 9-4-38s (Notes 4, 5, 10)	retain in service record			previously forwarded to DO	forward to DO	

- Notes:
1. If the member goes UA from confinement prepare a NAVPERS 1070/606 as provided in this event. Complete NAVPERS 1070/607 as prescribed in Table 9-4-39, rule 15.
  2. If UA 24 hours or less, prepare page 13 entry. Do not prepare a NAVPERS 1070/606.
  3. Complete blocks 1 and 2 and 51. Sign block 50 on this copy only.
  4. Use form started in Event 1.
  5. Note event in block 49.
  6. Absence determined in accordance with MILPERSMAN 3020220.
  7. Before forwarding this copy to the DO, enter Julian date and transmittal number in bottom margin.
  8. If member returns to another activity, see Table 1-3-11 for instructions to complete and distribute the NAVPERS 1070/606.
  9. Remove and destroy both erroneous and corrected NAVPERS 1070/606a after removal of lost time is reflected on EDVR.
  10. Block 20 will contain 0800. Block 21 will be date of discharge.

\*APPENDIX J

**GUIDE FOR COMPUTING LOST TIME  
AND ADJUSTMENT OF EAOS AND EXPIRATION OF ENLISTMENT**

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LOST TIME is defined in NAVMILPERSMAN 3640450

HOW TO USE THIS GUIDE:

1. Locate the 3-digit number which corresponds to the first day of UA or confinement.
2. Locate the 3-digit number which corresponds to the date of return UA or release from confinement.
3. Subtract the first figure from the second figure. The result is the number of days lost time day-for-day.
4. To figure lost time on 30-day basis, subtract 1 day from day-for-day figure for each time the member was absent over the 31st of the month. (If the first day of absence was the 31st, do not subtract 1 for this month.) If member was absent over the end of February, add 2 days to day-for-day figure (except in leap-year, add 1 day).
5. Locate the 3-digit number which corresponds to member's EAOS and/or Expiration of Enlistment prior to UA.
6. Add the number of days lost time (day-for-day) to this 3-digit number. The sum is the member's new/adjusted EAOS and/or Expiration of Enlistment.

**EXAMPLE:** Member UA from CYJAN19 to CYMAY12. EAOS and Expiration of Enlistment prior to UA CYNOV27.

CYMAY12 = 132  
CYJAN19 = 019  
113 days lost time day-for-day

Member was absent over the 31st of JAN and MAR; therefore subtract 2 days from the day-for-day figure. Member was absent over end of FEB; therefore add 2 days to day-for-day figure.

113 days lost time day-for-day  
-2  
111  
+2  
113 days lost time 30-day basis

Adjusting EAOS and/or Expiration of Enlistment.

CYNOV27 = 331 old EAOS  
+113 days lost time day-for-day  
444 = CY(+1)MAR20 is member's new EAOS and Expiration of Enlistment.

**NOTE:** EAOS and Expiration of Enlistment are the same for USN personnel but different for USNR personnel.

## Section I: UNAUTHORIZED ABSENCE AND OTHER LOST TIME

### 10381 APPLICABILITY

Procedures in this Section apply to members absent for the reasons shown in DODPM, Table 1-3-2. For punitive actions, see Part Seven, Chapters 5 and 6. For officers, see par. 10386.

### 10382 EFFECTS ON PEBD AND ACCRUED LEAVE

For the effects of lost time on a member's PEBD, see DODPM, pars. 10104 and 10108. For the effects of lost time on accrued leave, see MILPERSMAN 3020090.

### 10383 ADMIN OFFICE PROCEDURES

a. **Member Absent 24 Hours or Less.** If the member was absent over leave, and the absence is excused as unavoidable, report the excused period as an extension of leave. If the member was UA, and the absence does not result in punitive action affecting pay, record the information on ADMINISTRATIVE REMARKS (original page 13 only). If the punitive action affects pay, prepare a NAVPERS Form 1070/607. See par. 90436.

b. **Member Absent Over 24 Hours.** The admin officer will forward copies of UA Reports/Muster Reports as an interim notification of UA personnel daily to the DO. Prepare a NAVPERS Form 1070/606. See par. 90435 and Table 9-4-38. If the period of UA is excused and charged as leave, the leave is reported on the NAVPERS Form 1070/606. To report an officer UA, see par. 10386 and MILPERSMAN 3410100.

★c. **Member Absent Over 10 days.** Prepare a NAVPERS 1070/606. See par. 90435 and Table 9-4-38. Also, prepare a NAVCOMPT 3060 as prescribed in par. 90419 with the following exceptions:

(1) Block 6. Enter the date UA commenced. (This date must agree with block 4 of NAVPERS 1070/606.)

(2) Block 11. Enter UNAUTHABSNC.

d. **Member Declared a Deserter.** See Table 9-4-38, Events 2 and 5.

★e. **Member Surrenders to Activity From Which UA**

(1) **Action by Admin Office.** The admin officer will prepare a message for COMNAV-MILPERSCOM (NMPC-843) to report member's return from absence. (See MILPERSMAN 3430300.) Give a copy of the message to the DO. If a member has dependents, have the member verify the NAVPERS Form 1070/602 in the service record. If necessary, prepare and distribute the NAVPERS Form 1070/602 (parts I and II) as prescribed in par. 90434. Complete NAVPERS Form 1070/606 as prescribed in Table 9-4-38. If member was declared a deserter, the mark of desertion must be removed or desertion adjudged by court-martial. See Table 9-4-39. If the member is a returned deserter, and is not awarded a court-martial, a NAVPERS Form 1070/607 must be prepared to remove the mark of desertion. See Table 9-4-39e.

(2) **Member Returns From UA Over 10 days.** The admin office will follow procedures in par. 10383e(1) and prepare NAVCOMPT 3060 as prescribed in par. 90419 with the following exceptions:

(a) **Block 6.** Enter the date UA began. (This date in block 6 must agree with initial reporting of UA).

(b) **Block 8.** Enter the date member returned to military jurisdiction.

(c) **Block 11.** Enter RETABSTEE.

All NAVCOMPT 3060 reporting UA times must be confirmed by a NAVPERS 1070/606 in accordance with par. 90435 to update PEBD, ADSD, EAOS, and EREN.

(3) **UA Reported in Error.** If UA is reported by a NAVCOMPT 3060 and confirmed by NAVPERS 1070/606, admin office will prepare a corrected NAVPERS 1070/606 in accordance with par. 90435. However, if the UA was reported via NAVCOMPT 3060 and not confirmed by a NAVPERS 1070/606 then prepare a NAVCOMPT 3060 in accordance with par. 90419 with the following exceptions:

(a) **Block 6.** Enter date reported in block 6 of the previously submitted NAVCOMPT 3060.

(b) **Block 11.** Enter ABSNCREPIN-ERROR.

(4) **UA Excused and Charged as Leave.** If UA is excused and charged leave, follow these procedures:

(a) if the UA was reported by NAVCOMPT 3060 and not confirmed NAVPERS 1070/606, prepare a NAVCOMPT 3060 in accordance with par. 10383e(3);

(b) if the UA was reported by NAVCOMPT 3060 and confirmed by NAVPERS 1070/606, prepare a corrected NAVPERS 1070/606 in accordance with par. 90435.

(5) **Retained On Board/Technical Arrest Orders (TAOs).** A member who has been absent will be retained on board for disciplinary action/disposition except under those circumstances specified in MILPERSMAN 3430300 and 3430350, in which case the member will be transferred under Technical Arrest Orders (TAOs) to the disciplinary activity nearest to the homeport/geographical area in CONUS from which absence occurred for appropriate disciplinary action/disposition. Prepare NAVCOMPT Form 3067 as prescribed in par. 90426. See Table 1-3-11.

**f. Member Surrenders to an Activity Other Than From Which UA**

(1) **Action by Admin Office.** The admin office of the activity effecting the member's return to military jurisdiction will prepare a message for COMNAVMILPERSCOM (NMPC-843) to report member's return from absence. Give a copy of the message to the DO. Prepare TAOs to return the member to the parent command, except under those circumstances specified in MILPERSMAN 3430300 and 3430350 in which case the member is returned to the disciplinary activity nearest to the homeport/geographical area for disciplinary action/disposition.

(2) **Action by Parent Command.** Follow procedures prescribed in subpar. d(1). Submit a message in accordance with MILPERSMAN 3430300. Forward the PFR to the DO.

(3) **Action by Discipline Activity.** This subparagraph applies to returned deserters transferred to a separation activity for disciplinary action/disposition. The admin office will prepare a NAVCOMPT Form 3068 as prescribed in par. 90427 and submit a message advising a member's return only if not previously submitted by activity effecting initial return. See Table 1-3-11. When the service record is received from COMNAV-MILPERSCOM, and if the member has dependents, the admin office will have the member verify the NAVPERS Form 1070/602. If necessary, prepare and distribute NAVPERS Form 1070/602 (parts I and II) as prescribed in par. 90434. Complete NAVPERS Form 1070/606 as prescribed in Table 9-4-38. If member was declared a deserter, the mark of desertion must be removed or desertion adjudged by court-martial. A NAVPERS Form 1070/607 Form must be prepared to remove the mark of desertion. See Table 9-4-39e. Forward the PFR to the DO.

**g. Member Apprehended by Civil or Military Authorities.** Notify the Navy Deserter Information Point (AV 224-2551 or Toll Free 800-336-4974), which will arrange for the pick up and transport of the member back to assigned duty station.

**90419 NAVCOMPT 3060, MILITARY PAY ORDER (SINGLE)**

a. **Description and Use.** The NAVCOMPT 3060 is a 3-part carbon-interleaved form. Follow general typing instructions in Appendix E. Admin offices will prepare the NAVCOMPT 3060 to report individual pay changes for 1 to 7 members. Housing offices may prepare NAVCOMPT 3060 to report assignment/termination of assignment to Government quarters. DOs may also prepare a NAVCOMPT 3060 as prescribed in other Parts of this Manual. When reporting the same pay change for a group of members attached to the same UIC, a NAVCOMPT 3061 may be used. See par. 90420.

b. **Detailed Entries.** Complete numbered blocks as indicated in subpars. (1) through (24).

(1) **Block 1, UNIT I.D. CODE.** Type the 5-digit UIC of the unit to which member is attached. NAVCOMPT Manual, Volume 2, Chapter 5, par. 025311, lists the UICs. Housing offices which prepare this form to report occupancy of their units by members of various activities will type the housing office UIC in block 1 and the UIC to which the member is assigned in block 12. DOs preparing this form to report various changes will type the UIC of the disbursing office. In all other cases all members listed on the form must be attached to the same UIC. If the activity to which member is attached is a nonmilitary or a non-Navy military activity which is not assigned a UIC, type the UIC of the Navy admin activity preparing the form. However, any of the above UICs can be used as assigned.

(2) **Block 2, DATE.** Type in 7 alpha-numeric characters (YRMONDA) the date the form is prepared. Example: 76MAR02.

(3) **Block 3, ORGANIZATION AND STATION.** Type the complete mailing address of the ship or station preparing the form. This address does not have to be the same as that of the UIC appearing in block 1.

(4) **Block 4, NAME.** Type member's last name, first name, and middle initial. Do not include spaces, hyphens, or apostrophes in the last name. Type a comma after the last name. If member has

only an initial instead of a first or middle name, enclose the initial in quotation marks. If there is a suffix such as JR, SR, or III, it will follow member's middle initial. If member has no middle name, indicate with NMN. Examples:

JONES, JOHN P JR  
OMALLEY, KEVIN "T"  
STJOHN, MELVIN NMN

If the same will not fit into the spaces provided, follow rules in Illustration 9-4-3 for shortening names.

(5) **Block 5, FROM: HR.** If required, type the 4-digit hour (0001 to 2400) the pay starts or stops. If the hour is insignificant, leave this block blank. If this document starts an entitlement erroneously stopped, the hour in this block must have at the least a 1-minute lapse between the stop and start hour.

(6) **Block 6, DATE.** In 7 alpha-numeric characters (YRMONDA) type the date the entitlement or deduction starts or stops. Unless inclusive dates are involved, this block will contain the date that credit, checkage, or suspension begins or ends.

(7) **Block 7, TO: HOUR.** Type the 4-digit hour (0001 to 2400) the pay action ends if both the following conditions exist:

- (a) the hour is significant to the pay action,
- (b) a date appears in block 8.

(8) **Block 8, DATE.** In 7 alpha-numeric characters (YRMONDA) type the date the pay action ends if a beginning date is typed in block 6 and the ending date is known. Block 8 together with block 6 will be used only to report inclusive dates of an entitlement or deduction. If only a beginning or ending date is being reported, the date will be typed in block 6, and block 8 will be left blank.

(9) **Block 9, SSN.** Type member's social security number with hyphens after the 3d and 5th digits. As a local option, O (officer) or E (enlisted) may be typed in the blank space following this block.

(10) **Block 10, AMOUNT.** If required by specific instructions, type the appropriate amount

in figures. Type a decimal point between dollars and cents. If the money amount is not required, leave block 10 blank.

(11) **Block 11, REASON FOR CHANGE.** Most of the entries in block 11 will be required to report a change in pay entitlement that did not occur concurrently with member's reporting aboard or upon detachment from a unit. Entries in block 11 must be exactly as specified in Appendix A. Entries in block 11 may be amplified or explained in narrative form in non-scannable block 12.

(12) **Block 12, REMARKS.** Type in block 12 any information needed to explain or amplify entries in blocks 4 through 11. Be sure entry in block 12 does not touch any adjoining blocks to be scanned. Housing officers preparing this form will type the UIC to which the member is assigned in this block.

(13) **Blocks 13, 22, 31, 40, 49, and 58, NAME.** Follow instructions in subpar. (4) for typing name. Names need not be entered in alphabetical order, but the UIC in block 1 must apply to all members whose names are listed.

(14) **Blocks 14, 23, 32, 41, 50, and 59, FROM: HR.** Follow instructions in subpar. (5).

(15) **Blocks 15, 24, 33, 42, 51, and 60, DATE.** Follow instructions in subpar. (6).

(16) **Blocks 16, 25, 34, 43, 52, and 61, TO: HOUR.** Follow instructions in subpar. (7).

(17) **Blocks 17, 26, 35, 44, 53, and 62, DATE.** Follow instructions in subpar. (8).

(18) **Blocks 18, 27, 36, 45, 54, and 63, SSN.** Follow instructions in subpar. (9).

(19) **Blocks 19, 28, 37, 46, 55, and 64, AMOUNT.** Follow instructions in subpar. (10).

(20) **Blocks 20, 29, 38, 47, 56, and 65, REASON FOR CHANGE.** Follow instructions in subpar. (11).

(21) **Blocks 21, 30, 39, 48, 57, and 66, REMARKS.** Follow instructions in subpar. (12).

(22) **Block 67, TOTAL MEMBERS LISTED ON THIS PAGE.** In 1 digit type the number of entries on this page. Unless an entry has been deleted with a line-delete symbol, this figure will agree with the number appearing in the margin opposite the last entry.

(23) **Block 68, TYPED NAME AND GRADE OF CERTIFYING OFFICER.** Type or stamp the name and rank/rate abbreviation of the person who signs block 69.

(24) **Block 69, SIGNATURE OF CERTIFYING OFFICER.** The CO or a person authorized to sign by direction will sign his name in this block. Facsimile signature is authorized.

c. **Document Distribution by Admin Office.** The admin/housing officer will forward the original and first copy of NAVCOMPT 3060 to the DO. File the last copy in the suspense file.

d. **Document Distribution by the DO.** The DO will forward the original NAVCOMPT 3060 to NAVFINCEN in the daily transmittal (Group III). File the copy in the retained transmittal file.

e. **Illustrations.** Illustrations of NAVCOMPT 3060 covering specific pay events are included throughout this Manual. A typical NAVCOMPT 3060 is shown in Illustration 9-4-12.

SHIP OR STATION

USS NEVERSAIL (AS 00)

8 Jun CY: On unauthorized absence from 0800, 8 June 19CY.  
Intentions unknown.

R.T. Little

R. T. LITTLE, PNC, USN, Personnel Officer  
By direction of the Commanding Officer

(example 1)

WHEN MEMBER COMMENCES UNAUTHORIZED ABSENCE (UA), (EXAMPLES 1 & 2), REGARDLESS OF THE LENGTH OF THE PERIOD OF UA, A PAGE 13 ENTRY WILL BE MADE INDICATING THE TIME AND DATE OF THE BEGINNING OF THE PERIOD OF UA AND A STATEMENT OF THE ABSENTEE'S INTENTIONS (EXAMPLE 2) IN ACCORDANCE WITH MILPERSMAN 3430150. PREPARE AN ORIGINAL ONLY AND PLACE IN ABSENTEE'S SERVICE RECORD.

8 Jun CY: On unauthorized absence from 0800, 8 June 19CY. Information available indicates that YN3 Fred P. Jones, USN, purchased an airline ticket to Hamilton, Bermuda, prior to becoming an unauthorized absentee. In addition, a note purportedly signed by YN3 Jones was found in his berthing compartment stating, "I am fed up with this canoe club. I am going far away and will never return again." YN3 Jones being declared a deserter as of 0800, 8 June 19CY.

R.T. Little

R. T. LITTLE, PNC, USN, Personnel Officer  
By direction of the Commanding Officer

(example 2)

WHEN INTENT TO REMAIN AWAY PERMANENTLY IN DESERTION IS INDICATED BY THE FACTS, A MEMBER MAY BE DECLARED A DESERTER IMMEDIATELY UPON ARRIVING AT THE CONCLUSION THAT THERE IS A MANIFEST INTENT TO DESERT WITHOUT REGARD TO THE AMOUNT OF TIME A MEMBER HAS BEEN UA. THIS ENTRY DEMONSTRATES A DECLARATION OF DESERTION ON THE FIRST DAY OF UNAUTHORIZED ABSENCE. IN ADDITION, ALL ACTION THAT IS REQUIRED IN ANY CASE OF DESERTION WILL BE ACCOMPLISHED ON THE DAY THE DETERMINATION IS MADE (10 DAY LETTER TO NOK, COLLECTION, INVENTORY AND STORAGE OF PERSONAL EFFECTS, MESSAGE DECLARATION OF DESERTION TO COMNAVMILPERSCOM, ISSUANCE OF DD 553, AND PAGE 6 ENTRIES).

8 Jun CY: Missed sailing of this vessel from Newport, Rhode Island, on 8 June 19CY en route shakedown cruise, Atlantic Ocean. YN3 Fred P. Jones, USN, was informed by his leading petty officer of the time and date of scheduled movement of the ship two days prior to the ship's getting underway and of ship's destination.

R.T. Little

R. T. LITTLE, PNC, USN, Personnel Officer  
By direction of the Commanding Officer

(example 3)

NAME (Last, First, Middle) JONES, Fred Paul	SSN 222-22-2222	BRANCH AND CLASS USN
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SHIP OR STATION

USS NEVERSAIL (AS 00)

9 Jun CY: Surrendered on board USS NEVERSAIL (AS 00), 0645 9 June 19CY. On unauthorized absence for about 23 hours.

*R.T. Little*

R. T. LITTLE, PNC, USN, Personnel Officer  
By direction of the Commanding Officer

(example 4)

-----  
WHEN MEMBER RETURNS FROM A PERIOD OF UNAUTHORIZED ABSENCE AND THE TOTAL PERIOD OF UNAUTHORIZED ABSENCE IS LESS THAN 24 HOURS, THE RETURN WILL BE REPORTED ON A PAGE 13 INDICATING THE CIRCUMSTANCES OF THE RETURN TO MILITARY JURISDICTION AND THE EXACT TIME AND DATE OF THE TERMINATION OF THE UA. A STATEMENT OF THE APPROXIMATE TOTAL HOURS OF UA WILL BE INCLUDED. MILPERSMAN 3430150.  
-----

24 Dec CY: Apprehended by civilian authorities at 0500, 24 December 19CY, in Providence, Rhode Island, pursuant to outstanding DD 553, having been an unauthorized absentee from this command, over liberty since 1600, 24 June 19CY. Unauthorized absence commenced 0800, 25 June 19CY. Returned to military control on board USS NEVERSAIL (AS 00), in Newport, Rhode Island, at 0800, 24 December 19CY.

*R.T. Little*

R. T. LITTLE, PNC, USN, Personnel Officer  
By direction of the Commanding Officer

(example 5)

SEE MILPERSMAN ARTICLE 3430200.

-----  
25 Aug CY: Written Technical Arrest Orders were issued and delivered this date transferring YN3 Fred P. Jones, USN, to USS NEVERSAIL (AS 00), in a disciplinary status in his own custody to report not later than 2400, 25 August 19CY. YN3 Jones has acknowledged in writing the receipt of such orders.

*R.T. Little*

R. T. LITTLE, PNC, USN, Personnel Officer  
By direction of the Commanding Officer

(example 6)

SEE MILPERSMAN ARTICLE 3430200.  
-----

NAME (Last, First, Middle)  
JONES, Fred Paul

SSN  
222-22-2222

BRANCH AND CLASS  
USN

RECORD OF UNAUTHORIZED ABSENCE

A	1. DATE OF SUBMISSION		2. SHIP OR STATION AND LOCATION					
	UNAUTHORIZED ABSENCE FROM:		LIBERTY BEGAN		LIBERTY BEGAN			
B	3. HOUR:	4. DATE:	<input checked="" type="checkbox"/> 5. OVER LIBERTY	6. HOUR:	7. DATE:	<input type="checkbox"/> 8. OVER LEAVE	<input type="checkbox"/> 9. AWOL	
	0800	CYJUN25		1600	CYJUN24			
C	HELD AND CHARGED BY CIVIL AUTH.		<input type="checkbox"/> 12. DELIVERED TO CIVIL AUTH		<input type="checkbox"/> 13. APPREHENDED BY CIVIL AUTHORITIES		<input type="checkbox"/> 14. DD 616 ISSUED	
	10. HOUR:	11. DATE:	15. AT (ORGANIZATION AND LOCATION)					
D	UNAUTHORIZED ABSENCE FOR 10 DAYS		<input type="checkbox"/> 17. PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING					
	<input type="checkbox"/> 16. DD 553 ISSUED							
E	18. UIC MEMBER UA FROM:		19. ACTIVITY MEMBER UA FROM:					
	23456		USS NEVERSAIL (AS 00)					
F	RETURNED TO MILITARY JURISDICTION		<input type="checkbox"/> 22. APPREHENDED		<input type="checkbox"/> 23. SURRENDERED		<input type="checkbox"/> 24. DD 616 ISSUED	
	20. HOUR:	21. DATE:						
	25. RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY)				26. UIC		<input type="checkbox"/> 27. RET. ON BOARD	
	28. TRANSFERRED TO: (ACTIVITY)				29. UIC			
G	<input type="checkbox"/> 30. DETERMINATION NOT UNAUTHORIZED ABSENCE		31. NAVPERS 1070/606 WHICH REPORTED ABSENCE IN ERROR					
	<input type="checkbox"/> 32. ABSENCE EXCUSED UNAVOIDABLE		33. CHARGED NO. DAYS LEAVE (DAY FOR DAY)					
	SKMC		35. TO:		<input type="checkbox"/> 36. DISEASE DUE TO USE OF ALCOHOL/ DRUGS		<input type="checkbox"/> 37. OTHER	
	34. FROM:							
H	<input type="checkbox"/> 38. ABSENCE NOT EXCUSED	39. CHARGE NO. DAYS LOST TIME (30 DAY MO)	40. CHARGE NO. DAYS LOST TIME (DAY FOR DAY)	41. CHANGE EAOS TO:		42. CHANGE EXPR ENL TO		
I	<input type="checkbox"/> 43. ADJUST PREVIOUSLY SUBMITTED 1070/606		44. DATED		45. CORRECTED INFO ENTERED ABOVE			
	46. ERRONEOUSLY REPORTED LEAVE		47. ERRONEOUSLY REPORTED LOST TIME (30 DAY MONTH)		48. ERRONEOUSLY REPORTED LOST TIME (DAY FOR D			
J	49. AMPLIFYING REMARKS (MAY BE CONTINUED ON REVERSE)							
	CYJUN26: UA FM USS NEVERSAIL AT NEWPORT, RI, AS OF 0800, CYJUN25. <i>R.T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)  [ORIGINAL OCR - TYPED AFTER 24 HOURS UA]							
J	50. (SIGNATURE) BY DIRECTION					RANK - GRADE		
J	51. UNIT I.D. CODE		52. RATE					
			YN3					
J	53. NAME (LAST, FIRST, MIDDLE)			54. SSN		55. BRANCH/CLASS		
	JONES, FRED PAUL			222-22-2222		USN		

RECORD OF UNAUTHORIZED ABSENCE

<b>A</b>	1. DATE OF SUBMISSION CYJUN26		2. SHIP OR STATION AND LOCATION USS NEVERSAIL (AS 00)	
<b>B</b>	UNAUTHORIZED ABSENCE FROM: 3. HOUR: 0800 4. DATE: CYJUN25		LIBERTY BEGAN 5. OVER LIBERTY: <input checked="" type="checkbox"/> 6. HOUR: 1600 7. DATE: CYJUN24	
<b>C</b>	HELD AND CHARGED BY CIVIL AUTH. 10. HOUR: 11. DATE:		12. DELIVERED TO CIVIL AUTH. <input type="checkbox"/> 13. APPREHENDED BY CIVIL AUTHORITIES <input type="checkbox"/> 14. DD 616 ISSUED <input type="checkbox"/>	
<b>D</b>	UNAUTHORIZED ABSENCE FOR 10 DAYS 16. DD 553 ISSUED <input type="checkbox"/>		17. PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING <input type="checkbox"/>	
<b>E</b>	18. UIC MEMBER UA FROM: 23456		19. ACTIVITY MEMBER UA FROM: USS NEVERSAIL (AS 00)	
<b>F</b>	RETURNED TO MILITARY JURISDICTION 20. HOUR: 21. DATE:		22. APPREHENDED <input type="checkbox"/> 23. SURRENDERED <input type="checkbox"/> 24. DD 616 ISSUED <input type="checkbox"/>	
<b>G</b>	25. RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY)		26. UIC	
<b>H</b>	28. TRANSFERRED TO: (ACTIVITY)		29. UIC	
<b>I</b>	30. DETERMINATION NOT UNAUTHORIZED ABSENCE <input type="checkbox"/>		31. NAVPERS 1070/606 WHICH REPORTED ABSENCE IN ERROR	
<b>J</b>	32. ABSENCE EXCUSED UNAVOIDABLE <input type="checkbox"/>		33. CHARGED NO. DAYS LEAVE (DAY FOR DAY)	
<b>K</b>	SKMC 34. FROM:		35. TO:	
<b>L</b>	36. DISEASE DUE TO USE OF ALCOHOL/ DRUGS <input type="checkbox"/>		37. OTHER <input type="checkbox"/>	
<b>M</b>	38. ABSENCE NOT EXCUSED <input type="checkbox"/>		39. CHARGE NO. DAYS LOST TIME (30 DAY MO)	
<b>N</b>	40. CHARGE NO. DAYS LOST TIME (DAY FOR DAY)		41. CHANGE EAOS TO:	
<b>O</b>	42. CHANGE EXPR ENL TO:		43. ADJUST PREVIOUSLY SUBMITTED 1070/606 <input type="checkbox"/>	
<b>P</b>	44. DATED		45. CORRECTED INFO ENTERED ABOVE <input type="checkbox"/>	
<b>Q</b>	46. ERRONEOUSLY REPORTED LEAVE		47. ERRONEOUSLY REPORTED LOST TIME (30 DAY MONTH)	
<b>R</b>	48. ERRONEOUSLY REPORTED LOST TIME (DAY FOR DAY)		49. AMPLIFYING REMARKS (MAY BE CONTINUED ON REVERSE) CYJUN26: UA FM USS NEVERSAIL AT NEWPORT, RI, AS OF 0800, CYJUN25. [CARBON SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)	
<b>S</b>	[THIRD COPY - COMPLETE BLOCKS 1, 2, 50, 51]			
<b>T</b>	ORIGINAL SIGNATURE <i>R.T. Little</i> PNC		50. (SIGNATURE) BY DIRECTION RANK/GRADE	
<b>U</b>	R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)			
<b>V</b>	51. UNIT I.D. CODE 23456		52. RATE YN3	
<b>W</b>	53. NAME (LAST, FIRST, MIDDLE) JONES, FRED PAUL		54. SSN 222-22-2222	
<b>X</b>	55. BRANCH/CLASS USN			

RECORD OF UNAUTHORIZED ABSENCE

A	1. DATE OF SUBMISSION		2. SHIP OR STATION AND LOCATION					
B	UNAUTHORIZED ABSENCE FROM: 3. HOUR: 0800 4. DATE: CYJUN25		<input checked="" type="checkbox"/> 5. OVER LIBERTY		LIBERTY BEGAN 6. HOUR: 1600 7. DATE: CYJUN24		<input type="checkbox"/> 8. OVER LEAVE <input type="checkbox"/> 9. AWOL	
C	HELD AND CHARGED BY CIVIL AUTH. 10. HOUR: 11. DATE:		<input type="checkbox"/> 12. DELIVERED TO CIVIL AUTH		<input type="checkbox"/> 13. APPREHENDED BY CIVIL AUTHORITIES		<input type="checkbox"/> 14. DD 616 ISSUED	
D	UNAUTHORIZED ABSENCE FOR 10 DAYS <input type="checkbox"/> 16. DD 553 ISSUED		<input type="checkbox"/> 17. PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING					
E	18. UIC MEMBER UA FROM: 23456		19. ACTIVITY MEMBER UA FROM: USS NEVERSAIL (AS 00)					
F	RETURNED TO MILITARY JURISDICTION 20. HOUR: 21. DATE:		<input type="checkbox"/> 22. APPREHENDED		<input type="checkbox"/> 23. SURRENDERED		<input type="checkbox"/> 24. DD 616 ISSUED	
F	25. RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY)		26. UIC		27. RET. ON BOARD			
	28. TRANSFERRED TO: (ACTIVITY)		29. UIC					
G	<input type="checkbox"/> 30. DETERMINATION NOT UNAUTHORIZED ABSENCE		31. NAVPERS 1070/606 WHICH REPORTED ABSENCE IN ERROR					
	<input type="checkbox"/> 32. ABSENCE EXCUSED UNAVOIDABLE		33. CHARGED NO. DAYS LEAVE (DAY FOR DAY)					
	SKMC 34. FROM:		35. TO:		<input type="checkbox"/> 36. DISEASE DUE TO USE OF ALCOHOL/ DRUGS		<input type="checkbox"/> 37. OTHER	
H	<input type="checkbox"/> 38. ABSENCE NOT EXCUSED		39. CHARGE NO. DAYS (30 DAY MO)		40. CHARGE NO. DAYS (DAY FOR DAY)		41. CHANGE EAOS TO: 42. CHANGE EXPR ENL TO:	
	<input type="checkbox"/> 43. ADJUST PREVIOUSLY SUBMITTED 1070/606		44. DATED		<input type="checkbox"/> 45. CORRECTED INFO ENTERED ABOVE			
H	46. ERRONEOUSLY REPORTED LEAVE		47. ERRONEOUSLY REPORTED LOST TIME (30 DAY MONTH)		48. ERRONEOUSLY REPORTED LOST TIME (DAY FOR DAY)			
	49. AMPLIFYING REMARKS (MAY BE CONTINUED ON REVERSE)							
I	CYJUN26: UA FM USS NEVERSAIL AT NEWPORT, RI, AS OF 0800, CYJUN25. <i>R. T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYJUN26: MISSED SAILING OF THIS VESSEL FM NEWPORT, RI, CYJUN25. <i>R. T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)							
	[ORIGINAL OCR - MISSED SAILING ENTRY]							
J	50. (SIGNATURE) BY DIRECTION		RANK, GRADE					
	51. UNIT I.D. CODE		52. RATE YN3					
J	53. NAME (LAST, FIRST, MIDDLE) JONES, FRED PAUL		54. SSN 222-22-2222		55. BRANCH/CLASS USN			

RECORD OF UNAUTHORIZED ABSENCE

A	1. DATE OF SUBMISSION		2. SHIP OR STATION AND LOCATION					
B	UNAUTHORIZED ABSENCE FROM: 3. HOUR: 0800 4. DATE: CYJUN25		<input checked="" type="checkbox"/> 5. OVER LIBERTY		LIBERTY BEGAN 6. HOUR: 1600 7. DATE: CYJUN24		<input type="checkbox"/> 8. OVER LEAVE <input type="checkbox"/> 9. AWOL	
C	HELD AND CHARGED BY CIVIL AUTH. 10. HOUR: 11. DATE:		<input type="checkbox"/> 12. DELIVERED TO CIVIL AUTH		<input type="checkbox"/> 13. APPREHENDED BY CIVIL AUTHORITIES		<input type="checkbox"/> 14. DD 616 ISSUED	
D	15. AT (ORGANIZATION AND LOCATION)		UNAUTHORIZED ABSENCE FOR 10 DAYS <input type="checkbox"/> 16. DD 553 ISSUED					
E	18. UIC MEMBER UA FROM: 23456		17. PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING <input checked="" type="checkbox"/>					
F	19. ACTIVITY MEMBER UA FROM: USS NEVERSAIL (AS 00)		RETURNED TO MILITARY JURISDICTION 20. HOUR: 21. DATE:		<input type="checkbox"/> 22. APPREHENDED		<input type="checkbox"/> 23. SURRENDERED	
G	25. RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY)		26. UIC		<input type="checkbox"/> 24. DD 616 ISSUED		27. RET. ON BOARD	
H	28. TRANSFERRED TO: (ACTIVITY)		29. UIC		30. DETERMINATION NOT UNAUTHORIZED ABSENCE <input type="checkbox"/>		31. NAVPERS 1070, 606 WHICH REPORTED ABSENCE IN ERROR	
I	32. ABSENCE EXCUSED UNAVOIDABLE <input type="checkbox"/>		33. CHARGED NO. DAYS LEAVE (DAY FOR DAY)					
J	SKMC 34. FROM:		35. TO:		<input type="checkbox"/> 36. DISEASE DUE TO USE OF ALCOHOL/ DRUGS		<input type="checkbox"/> 37. OTHER	
K	<input type="checkbox"/> 38. ABSENCE NOT EXCUSED		39. CHARGE NO. DAYS LOST TIME (30 DAY MO)		40. CHARGE NO. DAYS LOST TIME (DAY FOR DAY)		41. CHANGE EAOS TO:	
L	43. ADJUST PREVIOUSLY SUBMITTED 1070/606 <input type="checkbox"/>		44. DATED		42. CHANGE EXPR ENL TO			
M	46. ERRONEOUSLY REPORTED LEAVE		47. ERRONEOUSLY REPORTED LOST TIME (30 DAY MONTH)		45. CORRECTED INFO ENTERED ABOVE			
N	49. AMPLIFYING REMARKS (MAY BE CONTINUED ON REVERSE) CYJUN26: UA FM USS NEVERSAIL AT NEWPORT, RI, AS OF 0800, CYJUN25. <i>R. T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYJUN26: MISSED SAILING OF THIS VESSEL FM NEWPORT, RI, CYJUN25. <i>R. T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)  [ORIGINAL OCR - BLOCK 17 ENTRY]							
O	50. (SIGNATURE) BY DIRECTION		RANK: GRADE					
P	51. UNIT I.D. CODE		52. RATE YN3					
Q	53. NAME (LAST, FIRST, MIDDLE) JONES, FRED PAUL		54. SSN 222-22-2222		55. BRANCH/CLASS USN			

DEPARTMENT OF THE NAVY  
NAVAL DENTAL CENTER  
NEWPORT, RI 02841

1610  
Ser NJS 00/24  
January 12, 19CY

Mr. and Mrs. I. M. Sorry  
230 Tearyeyed Road  
Long Road, RI 02849

Dear Mr. and Mrs. Sorry,

I regret the necessity of informing you that your son, Seaman Sure M. Sorry, who enlisted in the Navy on June 6, 19(CY-2), and was attached to the Naval Dental Center, Newport, Rhode Island, has been on unauthorized absence since January 3, 19(CY). Should you know of his whereabouts, please urge him to surrender to the nearest naval or other military activity immediately. The gravity of the offense increases with each day of absence. At this time all pay and allowances, including allotments, have been suspended pending return to Navy jurisdiction. Should he remain absent for 30 days, we will declare him a deserter. Information will be provided to the FBI National Crime Information Center Wanted Persons File, which is available to all Federal, state, and local law enforcement agencies. A Navy Reserve chaplain living near you is available for counsel in resolving this serious problem. Communication with a chaplain in this situation is considered confidential. Therefore, a chaplain may be a valuable resource to assist you in determining your best course of action. If you desire to confer with a Navy chaplain regarding this unauthorized absence, you may contact: Staff Chaplain, Naval Reserve Readiness Command ONE, 344 Easton Street, Newport, Rhode Island, 02941; telephone: (401) 841-4460.

Sincerely,

*R. U. Inpain*

R. U. INPAIN  
Captain, DC, U.S. Navy  
Commanding Officer

Copy to:  
Naval Reserve Readiness Command ONE

\*\*\*\*\*ON  
THE 10TH DAY OF ABSENCE, PREPARE A LETTER OF NOTIFICATION TO THE NEXT  
OF KIN (NOK) - SEE MILPERSMAN 3430150.1.g. FORWARD A COPY OF THE  
ABSENTEE NEXT OF KIN NOTIFICATION LETTER TO THE APPROPRIATE NAVAL  
RESERVE READINESS COMMAND (NAVRESREDCOM) IN COMPLIANCE WITH BUPERSNOTE  
1600.

\*\*\*\*\*



**36. REMARKS:** (List peculiar habits and traits of character; unusual mannerisms and speech; peculiarities in appearance; clothing worn, shoes (names); marks and scars, tattoos, facial characteristics; complexion; posture; build; other SSNs used by individual; or other data that may assist in identification. List known facts, e.g., armed and dangerous, drug user, suicidal tendencies, guards are needed, etc.)

### INFORMATION

#### 1. Authority to Apprehend.

a. Any civil officer having authority to apprehend offenders under the laws of the United States, or of a State, territory, commonwealth, possession, or the District of Columbia may summarily apprehend deserters from the Armed Forces of the United States and deliver them into custody of military officials. Receipt of this form and a corresponding entry in the FBI's NCIC Wanted Person File, or oral notification from military officials or Federal law enforcement officials that the person has been declared a deserter and that his/her return to military control is desired, is authority for apprehension.

b. Civil authorities may apprehend absentees (AWOL's) when requested to do so by military authorities.

#### 2. Payment of Reward or Reimbursement for Expenses.

a. *Rewards.* Receipt of this form, or oral or written notification from military authorities or Federal law enforcement officials, prior to apprehension of the individual, that the person is an absentee and that his/her return to military control is desired will be considered as an offer of reward. Persons or agency representatives (except salaried officers or employees of the Federal Government or servicemembers) apprehending or delivering absentees to military control are authorized:

- (1) Payment for apprehension and detention of absentees until military authorities assume custody, or,
- (2) Payment for apprehension and delivery of absentees to a military installation.

b. *Reimbursement for Expenses.* Reimbursement may be made for actual expenses incurred when conditions for payment of a reward cannot be met. If two or more persons perform these services, payment will be made jointly or severally, but total payment to all may not exceed prescribed limitations.

c. *Payment.* Payment will be made to the person or agency representative actually making arrest and detention or delivery by the disbursing officer servicing the military facility to which the absentee is delivered and will be in full satisfaction of all expenses of apprehending, keeping and delivering the absentee. Payment may be made whether the absentee surrenders or is apprehended. Payment will not be made for information leading to apprehension, nor for apprehension not followed by return to military control. Both reward and reimbursement may not be paid for the same apprehension and detention or delivery.

3. *Individual Claims He/She Is not Absent Without Authority.* When a detained individual claims that he/she is not absent without leave and does not have the papers to prove his/her claim, the apprehending person or agency representative should communicate directly by the most rapid means available, with the nearest military installation manned by active duty personnel. When necessary, communicate directly (telephone or telegraph) with the Deserter Information Point of the military service concerned.

- a. *US Army.* United States Army Deserter Information Point (USADIP), Fort Benjamin Harrison, IN 46249, telephone collect: Area Code (317) 542-3355.
- b. *US Navy.* Commander, Naval Military Personnel Command (NMPC-843), Washington, D.C. 20370, telephone: Area Code (800) 336-4974. (In Va., Call (800) 572-0266).
- c. *US Marine Corps.* Commandant, US Marine Corps, Code MPH-57, Washington, D.C. 20380, telephone collect: Area Code (202) 694-2180/8526.
- d. *US Air Force.* USAF Manpower Personnel Center, Randolph AF Base, Texas 78148, telephone collect: Area Code (512) 652-5118/2148.

#### FOOTNOTES:

<sup>1</sup> For use only when a servicemember fails to report to a gaining unit of assignment during a permanent change of station.

<sup>2</sup> For use only when statement is executed outside the United States, its territories, possessions and commonwealths.



DECLARATION OF DESERTION MESSAGE - 3430250

R 250800Z JUL CY  
FM USS NEVERSAIL  
TO BUPERS WASHINGTON DC/PERS 842//  
INFO DFAS CLEVELAND CENTER, CLEVELAND OH//JJJ//  
EPMAC NEW ORLEANS LA//JJJ//  
DON CAF WASHINGTON DC//JJJ//

UNCLAS //N01626//

SUBJ: REPORT CONTROL SYMBOL BUPERS 1600-3, REPORT OF DECLARATION  
OF DESERTION (PERS-842)

MSGID/GENADMIN/USS NEVERSAIL//

POC/R. T. LITTLE, PNC, USN, AV: 948-3808; COMM (401)841-3456  
RMKS/

1. YN3 FRED PAUL JONES, USN, 222-22-2222.
2. DECL DESERTER 24 JUL CY HAVING BEEN AN UNAUTHORIZED ABSENTEE  
SINCE 0800, 25 JUN CY FROM USS NEVERSAIL (AS 00) UIC: 23456.
3. MEMBER IS CURRENTLY CARRIED IN ACCOUNTING CATEGORY 100 ON  
COMMAND'S EDVR.
4. IDENTIFYING INFORMATION:
  - A. 72
  - B. 170
  - C. BLOND/BLUE
  - D. MALE/CAUC
  - E. US
  - F. NONE
  - G. NONE
  - H. 2 FEB CY(-22), LOS ANGELES, CALIFORNIA
  - I. LOS ANGELES, CALIFORNIA
  - J. 1234567, RI, 19CY(+3)
  - K. 23 JUN CY (+2)
5. YES
6. NONE
7. YES
8. LETMEGO, RI, 678910XX, 19CY, FORD, MUSTANG, SEDAN, RED
9. REMARKS: NONE

\*\*\*\*\*

REFERENCE - MILPERSMAN ARTICLE 3430250

\*\*\*\*\*

PREPARE A NAVPERS 1070/613 (PAGE 13) ADMINISTRATIVE REMARKS  
SERVICE RECORD ENTRY CONTAINING ALL THE INFORMATION IN THE  
DECLARATION OF DESERTION MESSAGE. USE THE CORRECT FORMAT WHEN  
TYPING THIS MESSAGE. THIS MESSAGE IS SINGLE SPACED TO CONSERVE  
SPACE.

\*\*\*\*\*

RECORD OF UNAUTHORIZED ABSENCE

A	1. DATE OF SUBMISSION		2. SHIP OR STATION AND LOCATION						
B	UNAUTHORIZED ABSENCE FROM: 3. HOUR: 0800 4. DATE: CYJUN25		<input checked="" type="checkbox"/> 5. OVER LIBERTY		LIBERTY BEGAN 6. HOUR: 1600 7. DATE: CYJUN24		<input type="checkbox"/> 8. OVER LEAVE <input type="checkbox"/> 9. AWOL		
C	HELD AND CHARGED BY CIVIL AUTH. 10. HOUR: 11. DATE:		<input type="checkbox"/> 12. DELIVERED TO CIVIL AUTH		<input type="checkbox"/> 13. APPREHENDED BY CIVIL AUTHORITIES		<input type="checkbox"/> 14. DD 616 ISSUED		
	15. AT (ORGANIZATION AND LOCATION)								
D	<input checked="" type="checkbox"/> 16. DD 553 ISSUED		<input checked="" type="checkbox"/> 17. PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING						
E	18. UIC MEMBER UA FROM: 23456		19. ACTIVITY MEMBER UA FROM: USS NEVERSAIL (AS 00)						
F	RETURNED TO MILITARY JURISDICTION 20. HOUR: 21. DATE:		<input type="checkbox"/> 22. APPREHENDED		<input type="checkbox"/> 23. SURRENDERED		<input type="checkbox"/> 24. DD 616 ISSUED		
	25. RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY)		26. UIC		27. RET. ON BOARD				
	28. TRANSFERRED TO: (ACTIVITY)		29. UIC						
G	<input type="checkbox"/> 30. DETERMINATION NOT UNAUTHORIZED ABSENCE		31. NAVPERS 1070/606 WHICH REPORTED ABSENCE IN ERROR						
	<input type="checkbox"/> 32. ABSENCE EXCUSSED UNAVOIDABLE		33. CHARGED NO. DAYS LEAVE (DAY FOR DAY)						
	SKMC 34. FROM:		35. TO:		<input type="checkbox"/> 36. DISEASE DUE TO USE OF ALCOHOL/ DRUGS		<input type="checkbox"/> 37. OTHER		
<input type="checkbox"/> 38. ABSENCE NOT EXCUSSED		39. CHARGE NO DAYS (LOST TIME (30 DAY MO))		40. CHARGE NO DAYS (LOST TIME (DAY FOR DAY))		41. CHANGE EAOS TO:		42. CHANGE EXPR ENL TO:	
H	<input type="checkbox"/> 43. ADJUST PREVIOUSLY SUBMITTED 1070/606		44. DATED		45. CORRECTED INFO ENTERED ABOVE				
	46. ERRONEOUSLY REPORTED LEAVE		47. ERRONEOUSLY REPORTED LOST TIME (30 DAY MONTH)		48. ERRONEOUSLY REPORTED LOST TIME (DAY FOR DAY)				
I	49. AMPLIFYING REMARKS (MAY BE CONTINUED ON REVERSE) CYJUN26: UA FM USS NEVERSAIL AT NEWPORT, RI, AS OF 0800, CYJUN25. <i>R. T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYJUN26: MISSED SAILING OF THIS VESSEL FM NEWPORT, RI, CYJUN25. <i>R. T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)  [ORIGINAL OCR - BLOCK 16 ENTRY]								
J	50. (SIGNATURE) BY DIRECTION		RANK / GRADE						
	51. UNIT I.D. CODE		52. RATE YN3						
	53. NAME (LAST, FIRST, MIDDLE) JONES, FRED PAUL		54. SSN 222-22-2222		55. BRANCH/CLASS USN				

RECORD OF UNAUTHORIZED ABSENCE

A	1. DATE OF SUBMISSION		2. SHIP OR STATION AND LOCATION					
	UNAUTHORIZED ABSENCE FROM:		LIBERTY BEGAN					
B	3. HOUR:	4. DATE:	<input checked="" type="checkbox"/> 5. OVER LIBERTY	6. HOUR:	7. DATE:	<input type="checkbox"/> 8. OVER LEAVE	<input type="checkbox"/> 9. AWOL	
	0800	CYJUN25		1600	CYJUN24			
C	HELD AND CHARGED BY CIVIL AUTH.		<input type="checkbox"/> 12. DELIVERED TO CIVIL AUTH	<input type="checkbox"/> 13. APPREHENDED BY CIVIL AUTHORITIES		<input type="checkbox"/> 14. DD 616 ISSUED		
	10. HOUR:	11. DATE:	15. AT (ORGANIZATION AND LOCATION)					
D	UNAUTHORIZED ABSENCE FOR 10 DAYS		17. PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING					
	<input checked="" type="checkbox"/> 16. DD 553 ISSUED							
E	18. UIC MEMBER UA FROM:		19. ACTIVITY MEMBER UA FROM:					
	23456		USS NEVERSAIL (AS 00)					
F	RETURNED TO MILITARY JURISDICTION		<input type="checkbox"/> 22. APPREHENDED	<input type="checkbox"/> 23. SURRENDERED	<input type="checkbox"/> 24. DD 616 ISSUED			
	20. HOUR:	21. DATE:	25. RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY)		26. UIC			
G	<input type="checkbox"/> 30. DETERMINATION NOT UNAUTHORIZED ABSENCE		31. NAVPERS 1070/606 WHICH REPORTED ABSENCE IN ERROR					
	<input type="checkbox"/> 32. ABSENCE EXCUSED UNAVOIDABLE		33. CHARGED NO. DAYS LEAVE (DAY FOR DAY)					
H	SKMC		35. TO:		<input type="checkbox"/> 36. DISEASE DUE TO USE OF ALCOHOL/ DRUGS		<input type="checkbox"/> 37. OTHER	
	34. FROM:							
I	<input type="checkbox"/> 38. ABSENCE NOT EXCUSED	39. CHARGE NO. DAYS LOST TIME (30 DAY MO)	40. CHARGE NO. DAYS LOST TIME (DAY FOR DAY)		41. CHANGE EAOS TO:		42. CHANGE EXPR ENL TO:	
J	<input type="checkbox"/> 43. ADJUST PREVIOUSLY SUBMITTED 1070/606		44. DATED		45. CORRECTED INFO ENTERED ABOVE			
	46. ERRONEOUSLY REPORTED LEAVE		47. ERRONEOUSLY REPORTED LOST TIME (30 DAY MONTH)		48. ERRONEOUSLY REPORTED LOST TIME (DAY FOR DAY)			
49. AMPLIFYING REMARKS (MAY BE CONTINUED ON REVERSE)								
CYJUN26: UA FM USS NEVERSAIL AT NEWPORT, RI, AS OF 0800, CYJUN25. <i>R.T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYJUN26: MISSED SAILING OF THIS VESSEL FM NEWPORT, RI, CYJUN25. <i>R.T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYDEC22: RECORDS AND PERSONAL EFFECTS TRANSFERRED THIS DATE. <i>R.T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)  [ORIGINAL OCR - BLOCK 49 ENTRY; RECORDS AND PERSONAL EFFECTS FORWARDED]								
				50. (SIGNATURE) BY DIRECTION				RANK, GRADE
				51. UNIT I.D. CODE	52. RATE			
					YN3			
53. NAME (LAST, FIRST, MIDDLE)				54. SSN		55. BRANCH/CLASS		
JONES, FRED PAUL				222-22-2222		USN		

RECORD OF UNAUTHORIZED ABSENCE

A	1. DATE OF SUBMISSION CYDEC22		2. SHIP OR STATION AND LOCATION USS NEVERSAIL (AS 00)						
	UNAUTHORIZED ABSENCE FROM: 3. HOUR: 0800		4. DATE: CYJUN25		<input checked="" type="checkbox"/> 5. OVER LIBERTY	LIBERTY BEGAN 6. HOUR: 1600	7. DATE: CYJUN24	<input type="checkbox"/> 8. OVER LEAVE	<input type="checkbox"/> 9. AWOL
C	WELD AND CHARGED BY CIVIL AUTH. 10. HOUR:		11. DATE:		<input type="checkbox"/> 12. DELIVERED TO CIVIL AUTH	<input type="checkbox"/> 13. APPREHENDED BY CIVIL AUTHORITIES		<input type="checkbox"/> 14. DD 616 ISSUED	
	15. AT (ORGANIZATION AND LOCATION)								
D	UNAUTHORIZED ABSENCE FOR 10 DAYS <input checked="" type="checkbox"/> 16. DD 583 ISSUED		<input checked="" type="checkbox"/> 17. PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING						
	18. UIC MEMBER UA FROM: 23456		19. ACTIVITY MEMBER UA FROM: USS NEVERSAIL (AS 00)						
F	RETURNED TO MILITARY JURISDICTION 20. HOUR:		21. DATE:		<input type="checkbox"/> 22. APPREHENDED	<input type="checkbox"/> 23. SURRENDERED	<input type="checkbox"/> 24. DD 616 ISSUED		
	25. RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY)				26. UIC		<input type="checkbox"/> 27. RET. ON BOARD		
	28. TRANSFERRED TO: (ACTIVITY)				29. UIC				
G	<input type="checkbox"/> 30. DETERMINATION NOT UNAUTHORIZED ABSENCE		<input type="checkbox"/> 31. NAVPERS 1070/606 WHICH REPORTED ABSENCE IN ERROR						
	<input type="checkbox"/> 32. ABSENCE EXCUSED UNAVOIDABLE		<input type="checkbox"/> 33. CHARGED NO. DAYS LEAVE (DAY FOR DAY)						
	SKMC 34. FROM:		35. TO:		<input type="checkbox"/> 36. DISEASE DUE TO USE OF ALCOHOL/ DRUGS	<input type="checkbox"/> 37. OTHER			
<input type="checkbox"/> 38. ABSENCE NOT EXCUSED		39. CHARGE NO. DAYS LOST TIME (30 DAY MO)		40. CHARGE NO. DAYS LOST TIME (DAY FOR DAY)		41. CHANGE EAOS TO:		42. CHANGE EXPR ENL TO:	
H	<input type="checkbox"/> 43. ADJUST PREVIOUSLY SUBMITTED 1070/606		44. DATED		<input type="checkbox"/> 45. CORRECTED INFO ENTERED ABOVE				
	46. ERRONEOUSLY REPORTED LEAVE		47. ERRONEOUSLY REPORTED LOST TIME (30 DAY MONTH)		48. ERRONEOUSLY REPORTED LOST TIME (DAY FOR DAY)				
I	49. AMPLIFYING REMARKS (MAY BE CONTINUED ON REVERSE)								
	<p>CYJUN26: UA FM USS NEVERSAIL AT NEWPORT, RI, AS OF 0800, CYJUN25. [CARBON SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)</p> <p>CYJUN26: MISSED SAILING OF THIS VESSEL FM NEWPORT, RI, CYJUN25. [CARBON SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)</p> <p>CYDEC22: RECORDS AND PERSONAL EFFECTS TRANSFERRED THIS DATE. [CARBON SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)</p> <p>[FOURTH COPY - COMPLETE BLOCKS 1, 2, 50, 51]</p>								
J			ORIGINAL SIGNATURE <i>R. T. Little</i>		PNC		50. (SIGNATURE) BY DIRECTION RANK/GRADE		
	R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)								
			51. UNIT I.D. CODE 23456		52. RATE YN3				
	53. NAME (LAST, FIRST, MIDDLE) JONES, FRED PAUL				54. SSN 222-22-2222		55. BRANCH/CLASS USN		

FOURTH COPY  
AFTER 181 DAYS  
RECEIPT FOR RECORD  
EFFECTS TRANSFERRED

RETURN DESERTER MESSAGE - 3430300

R 240830Z DEC CY  
FM USS NEVERSAIL  
TO BUPERS WASHINGTON DC//PERS-842  
INFO EPMAC NEW ORLEANS LA//JJJ//  
(NSC OAKLAND CA OR NSC CHEATHAM ANNEX WILLIAMSBURG VA AS  
APPROPRIATE)

DFAS CLEVELAND CENTER, CLEVELAND OH//JJJ//

UNCLAS//N01626//

SUBJ: REPORT CONTROL SYMBOL BUPERS 1600-2, REPORT OF RETURN OF  
DESERTER (PERS-842)//

MSGID/GENADMIN/USS NEVERSAIL//

POC/R. T. LITTLE, PNC, USN, AV: 948-3456 (401)841-3456

RMKS/

1. YN3 FRED PAUL JONES, USN, 222-22-2222.
2. DESERTER. UA FM USS NEVERSAIL (AS 00) SINCE 0800, 25 JUN CY.
3. APPREHENDED BY CIVIL AUTH AT 0500, 24 DEC CY, AT PROVIDENCE,  
RI, IN CONNECTION WITH DD 553.
4. RETURNED TO MIL CONTROL 0800, 24 DEC CY, USS NEVERSAIL (AS  
00) AT NEWPORT, RI.
5. RETAINED ON BOARD FOR DISCIPLINARY ACTION DISPOSITION.
6. YES.
7. REMARKS: REQUEST FORWARD RECORDS TO USS NEVERSAIL (AS 00).

\*\*\*\*\*

REFERENCE - MILPERSMAN ARTICLE 3430300

\*\*\*\*\*

THE ACTIVITY TO WHICH A DESERTER IS FIRST RETURNED TO MILITARY  
CONTROL IS RESPONSIBLE FOR ENSURING THAT THIS MESSAGE, REPORTING  
RETURN OF DESERTER, IS PREPARED AND TRANSMITTED IMMEDIATELY TO  
BUPERS. ALL ITEMS OF INFORMATION ARE NECESSARY. THE INFORMATION  
CONTAINED IN THIS MESSAGE DOES NOT GET TRANSPOSED ONTO A PAGE 13  
AS WAS DONE FOR THE DECLARATION OF DESERTION MESSAGE. USE THE  
CORRECT FORMAT WHEN TYPING THIS MESSAGE. THIS MESSAGE IS SINGLE  
SPACED TO CONSERVE SPACE.

THIS MESSAGE WILL REMOVE THE MEMBER FROM THE DESERTER FILES AT  
BUPERS AND FROM THE NATIONAL CRIME INFORMATION CENTER WANTED  
PERSONS FILE.

DEPARTMENT OF THE NAVY  
USS NEVERSAIL (AS 00)  
FPO NEW YORK 90501

1610  
Ser AS 00/002  
December 24, 19CY

Mr. and Mrs. Ronald Jones  
235 Long Street  
Los Angeles, CA 14790-9999

Dear Mr. and Mrs. Jones:

Please be advised that your son, Yeoman Third Class Fred Paul Jones, was returned to the USS NEVERSAIL (AS 00), on December 14, 19CY. You may write to your son at the above address.

Sincerely,

*A. B. Seaweed*

A. B. SEAWEED  
Captain, U.S. Navy  
Commanding Officer

Copy to:  
Naval Reserve Readiness Command TWENTY

\*\*\*\*\*  
UPON RETURN OF AN ABSENTEE TO PARENT COMMAND, PREPARE A LETTER NOTIFYING NEXT OF KIN OF MEMBER'S RETURN. NO SPECIFIC LANGUAGE IS DICTATED BY MILPERSMAN. LANGUAGE OF THE LETTER IS LEFT TO DISCRETION OF PARENT COMMAND. IT IS RECOMMENDED THAT THIS LETTER NOT BE SENT UNTIL THE ABSENTEE IS PHYSICALLY BACK ON BOARD THE COMMAND. SEE MILPERSMAN ARTICLE 3430200.1c.  
\*\*\*\*\*

RECORD OF UNAUTHORIZED ABSENCE

<b>A</b>		1. DATE OF SUBMISSION		2. SHIP OR STATION AND LOCATION															
<b>B</b>		UNAUTHORIZED ABSENCE FROM: 3. HOUR: 0800 4. DATE: CYJUN25		<input checked="" type="checkbox"/> 5. OVER LIBERTY		LIBERTY BEGAN 6. HOUR: 1600		7. DATE: CYJUN24		<input type="checkbox"/> 8. OVER LEAVE		<input type="checkbox"/> 9. AWOL							
<b>C</b>		HELD AND CHARGED BY CIVIL AUTH. 10. HOUR:		11. DATE:		<input type="checkbox"/> 12. DELIVERED TO CIVIL AUTH		<input type="checkbox"/> 13. APPREHENDED BY CIVIL AUTHORITIES		<input type="checkbox"/> 14. DD 616 ISSUED		15. AT (ORGANIZATION AND LOCATION)							
<b>D</b>		<input checked="" type="checkbox"/> 16. DD 563 ISSUED		<input checked="" type="checkbox"/> 17. PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING															
<b>E</b>		18. UIC MEMBER UA FROM: 23456		19. ACTIVITY MEMBER UA FROM: USS NEVERSAIL (AS 00)															
<b>F</b>		RETURNED TO MILITARY JURISDICTION 20. HOUR: 0500 21. DATE: CYDEC24		<input checked="" type="checkbox"/> 22. APPREHENDED		<input type="checkbox"/> 23. SURRENDERED		<input type="checkbox"/> 24. DD 616 ISSUED		25. RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY) NAVY DESERTER INFORMATION POINT		26. UIC 41104		<input type="checkbox"/> 27. RET. ON BOARD					
<b>G</b>		28. TRANSFERRED TO: (ACTIVITY) USS NEVERSAIL (AS 00)		29. UIC 23456		<input type="checkbox"/> 30. DETERMINATION NOT UNAUTHORIZED ABSENCE		31. NAVPERS 1070/606 WHICH REPORTED ABSENCE IN ERROR				<input type="checkbox"/> 32. ABSENCE EXCUSED UNAVOIDABLE		33. CHARGED NO. DAYS LEAVE (DAY FOR DAY)					
<b>H</b>		34. FROM: SKMC		35. TO:		<input type="checkbox"/> 36. DISEASE DUE TO USE OF ALCOHOL/ DRUGS		<input type="checkbox"/> 37. OTHER		<input type="checkbox"/> 38. ABSENCE NOT EXCUSED		39. CHARGE NO DAYS LOST TIME (30 DAY MO)		40. CHARGE NO DAYS LOST TIME (DAY FOR DAY)		41. CHANGE EAOS TO:		42. CHANGE EXPR ENL TO:	
<b>I</b>		<input type="checkbox"/> 43. ADJUST PREVIOUSLY SUBMITTED 1070/606		44. DATED		<input type="checkbox"/> 45. CORRECTED INFO ENTERED ABOVE		46. ERRONEOUSLY REPORTED LEAVE		47. ERRONEOUSLY REPORTED LOST TIME (30 DAY MONTH)		48. ERRONEOUSLY REPORTED LOST TIME (DAY FOR DAY)							
<b>J</b>		49. AMPLIFYING REMARKS (MAY BE CONTINUED ON REVERSE): CYJUN26: UA FM USS NEVERSAIL AT NEWPORT, RI, AS OF 0800, CYJUN25. <i>R. T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYJUN26: MISSED SAILING OF THIS VESSEL FM NEWPORT, RI, CYJUN25. <i>R. T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYDEC22: RECORDS AND PERSONAL EFFECTS TRANSFERRED THIS DATE. <i>R. T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYDEC27: APP BY CIV AUTH 0500, CYDEC24, AT PROVIDENCE, RI, IN CONNECTION WITH DD 553. RTN MIL CONTROL, 0800, CYDEC24, USS NEVERSAIL (AS 00) LOCATED AT NEWPORT, RI. <i>R. T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) [ORIGINAL OCR - SECTION F; AFTER RECEIPT OF RECORD FM NMPC]																	
		50. (SIGNATURE) BY DIRECTION						RANK/GRADE											
		51. UNIT I.D. CODE				52. RATE YN3													
		53. NAME (LAST, FIRST, MIDDLE) JONES, FRED PAUL				54. SSN 222-22-2222				55. BRANCH/CLASS USN									

RECORD OF UNAUTHORIZED ABSENCE

<b>A</b>	1. DATE OF SUBMISSION CYDEC27		2. SHIP OR STATION AND LOCATION USS NEVERSAIL (AS 00)									
<b>B</b>	UNAUTHORIZED ABSENCE FROM: 3. HOUR: 0800 4. DATE: CYJUN25		<input checked="" type="checkbox"/> 5. OVER LIBERTY		LIBERTY BEGAN 6. HOUR: 1600		7. DATE: CYJUN24		<input type="checkbox"/> 8. OVER LEAVE		<input type="checkbox"/> 9. AWOL	
<b>C</b>	HELD AND CHARGED BY CIVIL AUTH. 10. HOUR: 11. DATE:		<input type="checkbox"/> 12. DELIVERED TO CIVIL AUTH		<input type="checkbox"/> 13. APPREHENDED BY CIVIL AUTHORITIES		<input type="checkbox"/> 14. DD 616 ISSUED					
<b>D</b>	UNAUTHORIZED ABSENCE FOR 10 DAYS <input checked="" type="checkbox"/> 16. DD 553 ISSUED						<input checked="" type="checkbox"/> 17. PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING					
<b>E</b>	18. UIC MEMBER UA FROM: 23456						19. ACTIVITY MEMBER UA FROM: USS NEVERSAIL (AS 00)					
<b>F</b>	RETURNED TO MILITARY JURISDICTION 20. HOUR: 0500 21. DATE: CYDEC24		<input checked="" type="checkbox"/> 22. APPREHENDED		<input type="checkbox"/> 23. SURRENDERED		<input type="checkbox"/> 24. DD 616 ISSUED					
	25. RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY) NAVY DESERTER INFORMATION POINT						26. UIC 41104		<input type="checkbox"/> 27. RET. ON BOARD			
	28. TRANSFERRED TO: (ACTIVITY) USS NEVERSAIL (AS 00)						29. UIC 23456					
<b>G</b>	<input type="checkbox"/> 30. DETERMINATION NOT UNAUTHORIZED ABSENCE						31. NAVPERS 1070/606 WHICH REPORTED ABSENCE IN ERROR					
	<input type="checkbox"/> 32. ABSENCE EXCUSED UNAVOIDABLE						33. CHARGED NO. DAYS LEAVE (DAY FOR DAY)					
	34. FROM: SKMC		35. TO:		<input type="checkbox"/> 36. DISEASE DUE TO USE OF ALCOHOL/DRUGS		<input type="checkbox"/> 37. OTHER					
	<input type="checkbox"/> 38. ABSENCE NOT EXCUSED		39. CHARGE NO. DAYS LOST TIME (30 DAY MO)		40. CHARGE NO. DAYS LOST TIME (DAY FOR DAY)		41. CHANGE EAOS TO:		42. CHANGE EXPR ENL TO:			
<b>H</b>	<input type="checkbox"/> 43. ADJUST PREVIOUSLY SUBMITTED 1070/606		44. DATED		<input type="checkbox"/> 45. CORRECTED INFO ENTERED ABOVE							
	46. ERRONEOUSLY REPORTED LEAVE		47. ERRONEOUSLY REPORTED LOST TIME (30 DAY MONTH)		48. ERRONEOUSLY REPORTED LOST TIME (DAY FOR DAY)							
<b>I</b>	49. AMPLIFYING REMARKS (MAY BE CONTINUED ON REVERSE) CYJUN26: UA FM USS NEVERSAIL AT NEWPORT, RI, AS OF 0800, CYJUN25. [CARBON SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYJUN26: MISSED SAILING OF THIS VESSEL FM NEWPORT, RI, CYJUN25. [CARBON SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYDEC22: RECORDS AND PERSONAL EFFECTS TRANSFERRED THIS DATE. [CARBON SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYDEC27: APP BY CIV AUTH 0500, CYDEC24, AT PROVIDENCE, RI, IN CONNECTION WITH DD 553. RTN MIL CONTROL, 0800, CYDEC24, USS NEVERSAIL (AS 00) LOCATED AT NEWPORT, RI. [CARBON SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) [FIFTH COPY - COMPLETE BLOCKS 1, 2, 50, 51]											
<b>J</b>	ORIGINAL SIGNATURE <i>R.T. Little</i> PNC						50. (SIGNATURE) BY DIRECTION RANK, GRADE					
	R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)											
	51. UNIT I.D. CODE 23456				52. RATE YN3							
	53. NAME (LAST, FIRST, MIDDLE) JONES, FRED PAUL						54. SSN 222-22-2222		55. BRANCH/CLASS USN			



RECORD OF UNAUTHORIZED ABSENCE

A	1. DATE OF SUBMISSION CYDEC27		2. SHIP OR STATION AND LOCATION USS NEVERSAIL (AS 00)	
	UNAUTHORIZED ABSENCE FROM: 3. HOUR: 0800 4. DATE: CYJUN25		LIBERTY BEGAN 5. OVER LIBERTY: <input checked="" type="checkbox"/> 6. HOUR: 1600 7. DATE: CYJUN24	
B	HELD AND CHARGED BY CIVIL AUTH. 10. HOUR: 11. DATE:		12. DELIVERED TO CIVIL AUTH: <input type="checkbox"/> 13. APPREHENDED BY CIVIL AUTHORITIES: <input type="checkbox"/> 14. DD 616 ISSUED: <input type="checkbox"/>	
	15. AT (ORGANIZATION AND LOCATION)			
D	UNAUTHORIZED ABSENCE FOR 10 DAYS <input checked="" type="checkbox"/> 16. DD 553 ISSUED		17. PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING: <input checked="" type="checkbox"/>	
	18. UIC MEMBER UA FROM: 23456		19. ACTIVITY MEMBER UA FROM: USS NEVERSAIL (AS 00)	
F	RETURNED TO MILITARY JURISDICTION 20. HOUR: 0500 21. DATE: CYDEC24		22. APPREHENDED: <input checked="" type="checkbox"/> 23. SURRENDERED: <input type="checkbox"/> 24. DD 616 ISSUED: <input type="checkbox"/>	
	25. RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY) NAVY DESERTER INFORMATION POINT		26. UIC: 41104 27. RET. ON BOARD: <input type="checkbox"/>	
	28. TRANSFERRED TO: (ACTIVITY) USS NEVERSAIL (AS 00)		29. UIC: 23456	
	30. DETERMINATION NOT UNAUTHORIZED ABSENCE: <input type="checkbox"/>		31. NAVPERS 1070/606 WHICH REPORTED ABSENCE IN ERROR	
G	32. ABSENCE EXCUSED UNAVOIDABLE: <input type="checkbox"/>		33. CHARGED NO. DAYS LEAVE (DAY FOR DAY)	
	SKMC 34. FROM:		35. TO:	
	36. DISEASE DUE TO USE OF ALCOHOL/DRUGS: <input type="checkbox"/> 37. OTHER: <input type="checkbox"/>		38. ABSENCE NOT EXCUSED: <input checked="" type="checkbox"/> 39. CHARGE NO. DAYS LOST TIME (30 DAY MO): 179 40. CHARGE NO. DAYS LOST TIME (DAY FOR DAY): 182	
	41. CHANGE EAOS TO: CY(+2) DEC22		42. CHANGE EXPR ENL TO:	
H	43. ADJUST PREVIOUSLY SUBMITTED 1070/606: <input type="checkbox"/>		44. DATED	
	45. CORRECTED INFO ENTERED ABOVE: <input type="checkbox"/>		46. ERRONEOUSLY REPORTED LEAVE	
	47. ERRONEOUSLY REPORTED LOST TIME (30 DAY MONTH)		48. ERRONEOUSLY REPORTED LOST TIME (DAY FOR DAY)	
I	49. AMPLIFYING REMARKS (MAY BE CONTINUED ON REVERSE) CYJUN26: UA FM USS NEVERSAIL AT NEWPORT, RI, AS OF 0800, CYJUN25. <i>R.T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYJUN26: MISSED SAILING OF THIS VESSEL FM NEWPORT, RI, CYJUN25. <i>R.T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYDEC22: RECORDS AND PERSONAL EFFECTS TRANSFERRED THIS DATE. <i>R.T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) CYDEC27: APP BY CIV AUTH 0500, CYDEC24, AT PROVIDENCE, RI, IN CONNECTION WITH DD 553. RTN MIL CONTROL, 0800, CYDEC24, USS NEVERSAIL (AS 00) LOCATED AT NEWPORT, RI. <i>R.T. Little</i> [ORIGINAL SIGNATURE] R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00) [ORIGINAL OCR - CLOSED OUT; SECTION G]			
	50. (SIGNATURE) BY DIRECTION		RANK/GRADE	
	R. T. LITTLE, PNC, USN, BY DIR CO USS NEVERSAIL (AS 00)			
	51. UNIT I.D. CODE 23456		52. RATE YN3	
	53. NAME (LAST, FIRST, MIDDLE) JONES, FRED PAUL		54. SSN 222-22-2222	
		55. BRANCH/CLASS USN		

ORIGINAL OCR  
CLOSE OUT  
SECTION G

# JULIAN DATE CALENDAR

(PERPETUAL)

Day	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Day
1	001	032	060	091	121	152	182	213	244	274	305	335	1
2	002	033	061	092	122	153	183	214	245	275	306	336	2
3	003	034	062	093	123	154	184	215	246	276	307	337	3
4	004	035	063	094	124	155	185	216	247	277	308	338	4
5	005	036	064	095	125	156	186	217	248	278	309	339	5
6	006	037	065	096	126	157	187	218	249	279	310	340	6
7	007	038	066	097	127	158	188	219	250	280	311	341	7
8	008	039	067	098	128	159	189	220	251	281	312	342	8
9	009	040	068	099	129	160	190	221	252	282	313	343	9
10	010	041	069	100	130	161	191	222	253	283	314	344	10
11	011	042	070	101	131	162	192	223	254	284	315	345	11
12	012	043	071	102	132	163	193	224	255	285	316	346	12
13	013	044	072	103	133	164	194	225	256	286	317	347	13
14	014	045	073	104	134	165	195	226	257	287	318	348	14
15	015	046	074	105	135	166	196	227	258	288	319	349	15
16	016	047	075	106	136	167	197	228	259	289	320	350	16
17	017	048	076	107	137	168	198	229	260	290	321	351	17
18	018	049	077	108	138	169	199	230	261	291	322	352	18
19	019	050	078	109	139	170	200	231	262	292	323	353	19
20	020	051	079	110	140	171	201	232	263	293	324	354	20
21	021	052	080	111	141	172	202	233	264	294	325	355	21
22	022	053	081	112	142	173	203	234	265	295	326	356	22
23	023	054	082	113	143	174	204	235	266	296	327	357	23
24	024	055	083	114	144	175	205	236	267	297	328	358	24
25	025	056	084	115	145	176	206	237	268	298	329	359	25
26	026	057	085	116	146	177	207	238	269	299	330	360	26
27	027	058	086	117	147	178	208	239	270	300	331	361	27
28	028	059	087	118	148	179	209	240	271	301	332	362	28
29	029		088	119	149	180	210	241	272	302	333	363	29
30	030		089	120	150	181	211	242	273	303	334	364	30
31	031		090		151		212	243		304		365	31

# JULIAN DATE CALENDAR

FOR LEAP YEARS ONLY

Day	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Day
1	001	032	061	092	122	153	183	214	245	275	306	336	1
2	002	033	062	093	123	154	184	215	246	276	307	337	2
3	003	034	063	094	124	155	185	216	247	277	308	338	3
4	004	035	064	095	125	156	186	217	248	278	309	339	4
5	005	036	065	096	126	157	187	218	249	279	310	340	5
6	006	037	066	097	127	158	188	219	250	280	311	341	6
7	007	038	067	098	128	159	189	220	251	281	312	342	7
8	008	039	068	099	129	160	190	221	252	282	313	343	8
9	009	040	069	100	130	161	191	222	253	283	314	344	9
10	010	041	070	101	131	162	192	223	254	284	315	345	10
11	011	042	071	102	132	163	193	224	255	285	316	346	11
12	012	043	072	103	133	164	194	225	256	286	317	347	12
13	013	044	073	104	134	165	195	226	257	287	318	348	13
14	014	045	074	105	135	166	196	227	258	288	319	349	14
15	015	046	075	106	136	167	197	228	259	289	320	350	15
16	016	047	076	107	137	168	198	229	260	290	321	351	16
17	017	048	077	108	138	169	199	230	261	291	322	352	17
18	018	049	078	109	139	170	200	231	262	292	323	353	18
19	019	050	079	110	140	171	201	232	263	293	324	354	19
20	020	051	080	111	141	172	202	233	264	294	325	355	20
21	021	052	081	112	142	173	203	234	265	295	326	356	21
22	022	053	082	113	143	174	204	235	266	296	327	357	22
23	023	054	083	114	144	175	205	236	267	297	328	358	23
24	024	055	084	115	145	176	206	237	268	298	329	359	24
25	025	056	085	116	146	177	207	238	269	299	330	360	25
26	026	057	086	117	147	178	208	239	270	300	331	361	26
27	027	058	087	118	148	179	209	240	271	301	332	362	27
28	028	059	088	119	149	180	210	241	272	302	333	363	28
29	029	060	089	120	150	181	211	242	273	303	334	364	29
30	030		090	121	151	182	212	243	274	304	335	365	30
31	031		091		152		213	244		305		366	31

SECTION 4

PREMAST FORMS AND PRELIMINARY INQUIRIES

This section of the Legalman/Legal Clerk Student Study Guide contains information relative to premast forms and preliminary inquiries.

I. Premast Forms and Preliminary Inquiries. This chapter should be used in conjunction with Chapter VI of the Military Justice Study Guide (MJSG). The MJSG relates much of the procedural aspects of preliminary inquiries. This chapter will discuss additional responsibilities inherent upon the legalman's or legal clerk's position when working with premast procedures.

II. Application. Whether ashore or on board ship, the LN/LC's role in premast preparation is important. Preparation and organization can be accomplished by following these steps:

A. Preparing the service record:

1. The SRB (service record book) should be checked thoroughly to ensure all pages are in place and accurate. Two of the most informative pages in the SRB (for purposes of preparing mast packages) are the Page 9 (1070/609) and Page 4 (1070/604). Frequently, these are the only pages that tell the true history of an individual, and your only source of information.

2. Check all Page 13's (1070/613) to determine if they are in proper order; that the accused is not in a special program (school incentive, alcohol after-care, etc.); or if he/she has had a prior administrative separation warning.

a. If he/she has had an administrative separation warning, the XO and CO should be advised.

b. Ensure the accused is not on a suspended punishment from a prior NJP or court-martial (suspensions are noted on Page 13's and 7's). If a punishment is detected, verify whether or not it has been vacated. If not vacated, advise the XO and CO that the accused is presently under a suspended sentence.

NOTE: Suspended punishments of reduction in rate or forfeiture of pay, which have been vacated, are easily detected by reviewing the Court Memorandum (Page 7). If unsure, and documentation in the service record cannot be found -- contact PSD (Disbursing) and have the accused's personal financial record (PFR) reviewed and verified.

Vacated punishments of correctional custody, restriction, or extra duty should be recorded on a Page 13. However, more often than not, these types of vacated punishments do not get recorded on the page 13. Check the left side of the SRB for a copy of confinement orders, restriction orders, or extra duty orders for verification; or contact the MAA office or the correctional custody unit (if applicable) to check for any recent assignments on the accused.

B. Other related documents:

1. Once the SRB pages are reviewed and are in proper order, close attention should be given to other documents related to mast proceedings -- which will also be appended to the SRB.

a. The report chit and the accused's election of rights should be appended inside/left of the SRB. Again, ensure these documents are reviewed and accurate.

b. If there are statements, investigative reports or other documents relative to the case, place them on the inside/right of the SRB. The investigative reports should be placed on top for easy reference -- followed by any independent statements -- then any other pertinent documents.

c. A completed comment sheet (containing the recommendations of the department head, executive officer, and legal/discipline officer), should be placed on top of the investigative report.

C. Previous Offense Card (POC). (Optional)

1. Place the POC card on top of the comment sheet.
2. See: Sample contained in this chapter (page 4-5).

D. The Mast Log.

1. The mast log is another valuable easy-reference tool in making the job easier. It is a form prepared locally, tailored to each command's individual needs.

2. The log is used to record each step of the mast proceeding for each case as it happens and the final results.

3. See: Example contained in Section 6 of this guide.

4. The mast log can also be used prior to mast in informing department heads, division officers, and witnesses of the date, time, and place of mast. Initial alongside the name(s) and/or departments -- this will be recorded verification that each concerned/required have been notified.

5. A copy of the mast should be provided to the MAA's Office in advance of mast. This will assist the MAA's in preparing for proceedings (i.e. advisement of all cases scheduled for disposition; placing mast reports in proper order; ensuring any evidence held by them is readily available; and use as a muster report for each accused and witness).

F. Final preparations.

1. The SRB and necessary documents have been prepared -- the Executive Officer is now given the opportunity to review each case. This will be his/her opening to screen the case for recommendations as to disposition. Consult the XO on his/her desired procedure in reviewing cases.

2. Once the review by the XO has been completed, the records should be returned to the Legal Office with the XO's recommendations or directions. "Pull" those cases in which the XO has taken action to dismiss.

NOTE: This stage is commonly referred to as "Executive Officer's Screening". Many executive officers prefer to hold a formal screening, wherein each accused and case is presented to him/her (as the case would be presented to a CO and NJP).

3. Once it has been decided which cases will be disposed of at mast, the records then should be given to the Commanding Officer for preliminary review.

a. This should normally be done at least 2 hours prior to the mast itself (or the day before). The LN/LC may be required to remain with the CO during his review to answer any questions, or give recommendations/opinions, regarding each case.

b. Upon completion of the review, the records will then be taken to the designated place of mast (if mast is held immediately after the CO's review). Ensure all personnel are present (witnesses, accused's LPO or division officer) and in appropriate uniform, all evidence is available, and proper case rotation has been established. Ensure the decorum for the designated place of the proceedings has been set (podium, arrangement of chairs or tables, flags, etc).

c. If the CO dictates, ensure rights have been given to each accused. Give the warning as outlined in the JAG Manual.

SAMPLE  
PREVIOUS OFFENSE CARD (POC)

(5x8 index card)

FERNDOCK, Clyde E., SN, USN, 000-00-0000 - Admin

CY(-1)JUN04: CO's NJP. VUCMJ, Art. 86, UA (0800-1200 on  
CY(-1)MAY28).  
Awarded: 10 days restriction; FF \$100 x 2 mos.

CY(-1)JUN23: CO's NJP. VUCMJ, Art. 121, larceny (\$100.00 on  
CY(-1)JUN17).  
Awarded: 10 days correctional custody.

CY(-1)JUL15: CO's NJP. VUCMJ, Art. 91, disrespect (to a PO  
on CY(-1)JUL03)  
Awarded: RIR to E-3; susp. x 6 mos.

Note: A previous offense card (POC) is a valuable tool. Although not a requirement as for mast proceedings, it is a recommended form to assist the legalman in preparing cases. As the sample indicates, this simple 5x8 card shows the accused's name, SSN, rate (pay grade), division, and all previous masts (if any) while on board the present command. The POC is annotated each time an accused goes to mast, then simply filed in a cardex file in alphabetical order. Utilize the card for easy reference in preparing the "Record of Previous Offense(s)" portion of the report chit. Upon the service member's detachment from the command, the card is destroyed.



REPORT AND DISPOSITION OF OFFENSE(S)  
NAVPERS 1026/7 (REV. 8-81) S/N 0106-LF-016 2036

To: Commanding Officer, Naval Justice School Date of Report 1 June 19CY  
Newport, Rhode Island

I hereby report the following named person for the offense(s) noted.

NAME OF ACCUSED	REPORTING OFFICER	SOCIAL SECURITY NO.	DATE GRADE	RP & CLASS	DIV/DEPT
<u>FERNDOCK, Clyde E.</u>		<u>000-00-0000</u>	<u>YN3</u>	<u>USN</u>	<u>ADMIN</u>
PLACE OF OFFENSE(S)		DATE OF OFFENSE(S)			
<u>Naval Education and Training Center Newport, Rhode Island</u>		<u>25 May 19CY</u>			

DETAILS OF OFFENSE(S): (Refer by article of UCMJ, if known. If unauthorized absence, state beginning and ending dates and dates of commencement, whether over leave or liberty, time and date of apprehension or surrender and arrival on board, loss of ID card and or liberty card, etc.)

Viol. UCMJ, Art. 121: Larceny of \$50.00, the property of YN2 Alvin P. Jones, USN, on 25 May 19CY.

NAME OF WITNESS	RATE/GRADE	DIV/DEPT	NAME OF WITNESS	RATE/GRADE	DIV/DEPT
<u>Hugh C. Caughtem</u>	<u>MACM</u>	<u>MAA</u>			
<u>Michael L. Orlando</u>	<u>MS2</u>	<u>Billeting</u>			
<u>Alvin P. Jones</u>	<u>YN2</u>	<u>Paralegal</u>			

MACM/CMAA (Rate/Grade/Title of person submitting report) Hugh C. Caughtem  
HUGH C. CAUGHTEM (Signature of person submitting report)

I have been informed of the nature of the accusation (X) against me. I understand I do not have to answer any questions or make any statement regarding the offense (X) of which I am accused or suspected. However, I understand any statement made or questions answered by me may be used as evidence against me in event of trial by court-martial, Article 12 (UCMJ).

Witness: Andrew S. Lookin, LT, USN (Signature) Acknowledged Clyde E. Ferndock, YN3, USN (Signature of Accused)

PRE-TRIAL RESTRAINT

PRE TRIAL CONFINEMENT  RESTRICTED: You are restricted to the limits of \_\_\_\_\_ in lieu of arrest by order of the CO. Until your status as a restricted person is terminated by the CO, you may not leave the restricted limits except with the express permission of the CO or XO. You have been informed of the times and places which you are required to muster.

NO RESTRICTIONS

\_\_\_\_\_  
(Signature and title of person imposing restraint)

\_\_\_\_\_  
(Signature of Accused)

INFORMATION CONCERNING ACCUSED

CURRENT ENL. DATE	EXPIRATION CURRENT ENL. DATE	TOTAL ACTIVE NAVAL SERVICE	TOTAL SERVICE ON BOARD	EDUCATION	GCT	AGE
<u>6 Jun CY(-2)</u>	<u>5 Jun CY(+2)</u>	<u>2 yrs</u>	<u>10 mos</u>	<u>12</u>	<u>50</u>	<u>22</u>
MARITAL STATUS	NO. DEPENDENTS	CONTRIBUTION TO FAMILY OR OTHER ALL RANGES (Amount required by law)		PAY PER MONTH (including sea or foreign duty pay, if any)		
<u>Single</u>	<u>None</u>	<u>Not Applicable</u>		<u>\$779.10</u>		

RECORD OF PREVIOUS OFFENSE(S): (Date, type, action taken, etc. Administrative punishment or court-martial records are to be included.)

- CY(-1)JUN04: CO'S NJP: Viol. UCMJ, Art. 86, UA (0800-2100, CY(-1)MAY28). Awarded: 10 days Rest.; and FF \$100.00 x 2 mos.
- CY(-1)JUN23: CO'S NJP: Viol. UCMJ, Art. 121, Larceny (\$100 on CY(-1)JUN17). Awarded: 10 days Correctional Custody.
- CY(-1)JUL15: CO'S NJP: Viol. UCMJ, Art. 91, Disrespect (to a PO on CY(-1)JUL03). Awarded: Reduction in Rate to E-3; suspended x 6 months.

\*\* (Or: if no record of previous offense(s) -- "No prior NJP's or previous Courts-Martial.")

**PRELIMINARY INQUIRY REPORT**

**From:** Commanding Officer  
**To:** LT Andrew S. Lookin, USN

**Date:** 2 June 19CY

1. Transmitted herewith for preliminary inquiry and report by you, including, if appropriate in the interest of justice discipline, the preferring of such charges as appear to you to be sustained by expected evidence.

REMARKS OF DIVISION OFFICER (Performance of duty, etc.)

See attached statement.

NAME OF WITNESS	RATE/GRADE	DIV/DEPT	NAME OF WITNESS	RATE/GRADE	DIV/DEPT
Hugh C. Caughtem	MACM	MAA	Alvin P. Jones	YN2	Paralegal
Michael L. Orlando	MS2	Billeting			

RECOMMENDATION AS TO DISPOSITION:

REFER TO COURT MARTIAL ~~XX~~

DISPOSE OF CASE AT MAST  NO PUNITIVE ACTION NECESSARY OR DESIRABLE  OTHER

COMMENT (Include data regarding availability of witnesses, summary of expected evidence, conflicts in evidence, if expected. Attach statements of witnesses, documentary evidence such as service record entries in UA cases, stems of real evidence, etc.)

See attached investigator's report.

*Andrew S. Lookin*  
 ANDREW S. LOOKIN, LT, USN  
 (Signature of Investigation Officer)

ACTION OF EXECUTIVE OFFICER

DISMISSED  REFERRED TO CAPTAIN'S MAST

*K. Vanderbeer*  
 K. VANDERBEER, CDR, JAGC, USN

RIGHT TO DEMAND TRIAL BY COURT-MARTIAL  
 (Not applicable to persons attached to or embarked on a vessel)

I understand that nonjudicial punishment may not be imposed on me if, before the imposition of such punishment, I demand in lieu thereof trial by court-martial. I therefore ~~do~~ (do not) demand trial by court-martial.

*John Righteous*  
 JOHN RIGHTEOUS, LN1, USN

*Clyde E. Ferndock*  
 CLYDE E. FERDOCK, YN3, USN

ACTION OF COMMANDING OFFICER

<input type="checkbox"/> DISMISSED	<input type="checkbox"/> CONF. OR _____ 1, 2, OR 3 DAYS
<input type="checkbox"/> DISMISSED WITH WARNING (Not considered BWP)	<input type="checkbox"/> CORRECTIONAL CUSTODY FOR _____ DAYS
<input type="checkbox"/> ADMONITION: ORAL/IN WRITING	<input type="checkbox"/> REDUCTION TO NEXT INFERIOR PAY GRADE
<input type="checkbox"/> REPRIMAND: ORAL/IN WRITING	<input type="checkbox"/> REDUCTION TO PAY GRADE OF _____
<input type="checkbox"/> REST. TO _____ FOR _____ DAYS	<input type="checkbox"/> EXTRA DUTIES FOR _____ DAYS
<input type="checkbox"/> REST. TO _____ FOR _____ DAYS WITH SUSP. FROM DUTY	<input type="checkbox"/> PUNISHMENT SUSPENDED FOR _____
<input type="checkbox"/> FORFEITURE: TO FORFEIT \$ _____ PAY PER MO. FOR _____ MO(S)	<input type="checkbox"/> ART. 32 INVESTIGATION
<input type="checkbox"/> DETENTION: TO HAVE \$ _____ PAY PER MO. FOR (1, 2, 3) MO(S) DETAINED FOR _____ MO(S)	<input type="checkbox"/> RECOMMENDED FOR TRIAL BY BCM
	<input type="checkbox"/> AWARDED SPCM <input type="checkbox"/> AWARDED SCM

DATE OF MAST: \_\_\_\_\_ DATE ACCUSED INFORMED OF ABOVE ACTION: \_\_\_\_\_ SIGNATURE OF COMMANDING OFFICER: \_\_\_\_\_

It has been explained to me and I understand that if I feel this imposition of nonjudicial punishment to be unjust or disproportionate to the offenses charged against me, I have the right to immediately appeal my conviction to the next higher authority within 5 days.

SIGNATURE OF ACCUSED: \_\_\_\_\_ DATE: \_\_\_\_\_ I have explained the above rights of appeal to the accused.  
 SIGNATURE OF WITNESS: \_\_\_\_\_ DATE: \_\_\_\_\_

FINAL ADMINISTRATIVE ACTION

APPEAL SUBMITTED BY ACCUSED	FINAL RESULT OF APPEAL
DATED: _____	
FORWARDED FOR DECISION ON: _____	
APPROPRIATE ENTRIES MADE IN SERVICE RECORD AND PAY ACCOUNT ADJUSTED WHERE REQUIRED	FILED IN UNIT PUNISHMENT BOOK
DATE: _____ (Initials)	DATE: _____ (Initials)

INVESTIGATOR'S REPORT IN THE CASE OF YN3 CLYDE E. FERDOCK, USN, 000-00-0000

1. Read paragraphs in MCM concerning offenses/charges Yes:    
 2. Witnesses interviewed (not the accused):

	(NAME)	(PHONE)	signed statement attached	summary of interview attached
a.	<u>MACM Hugh C. Caughtem, USN</u>	<u>3100</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	<u>MS2 Michael L. Orlando, USN</u>	<u>8200</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	<u>YN2 Alvin P. Jones, USN</u>	<u>3255</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
e.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
f.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

3. Accused's supervisor(s) interviewed:

a.	<u>ENS Wyn Dixie, USN</u>	<u>3456</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

4. Documentary evidence:

	(ORIG.)	(COPY)	(ATTACHED)	(LOCATION)
a.	<input type="checkbox"/>	or	<input type="checkbox"/>	<input type="checkbox"/>
b.	<input type="checkbox"/>	or	<input type="checkbox"/>	<input type="checkbox"/>
c.	<input type="checkbox"/>	or	<input type="checkbox"/>	<input type="checkbox"/>
d.	<input type="checkbox"/>	or	<input type="checkbox"/>	<input type="checkbox"/>

5. Real evidence:

	(DESCRIPTION)	(NAME OF CUSTODIAN)	(CUSTODIAN'S PHONE)
a.	<u>One \$50.00 bill</u>	<u>K. VANDERBEER CDR, JAGC, USN</u>	<u>1122</u>
b.	_____	_____	_____

6. Permit the accused to inspect Report Chit. Yes  No \_\_\_\_\_   
 7. Accused initialed second page of charges (if any) N/A  Yes \_\_\_\_\_ No \_\_\_\_\_   
 8. Accused signed Acknowledgement line on NAVPERS 1626/7 Yes  No \_\_\_\_\_   
 9. Investigator signed witness line on NAVPERS 1626/7 Yes  No \_\_\_\_\_   
 10. Accused waived his rights. Yes \_\_\_\_\_ No    
 11. Accused made statement (only when #10 is Yes), and   
 a.  Accused's signed statement attached.   
 b.  Summary of interrogation attached.

WITNESS' STATEMENT

Hugh C. Caughtem	MACM/USN	001-00-0001
Name	Rank/Rate	Social Security Number
Naval Education & Training Center, Newport, Rhode	MAA	
Command	Island	Division
N/A		
TAD from/to	until (give date)	
Naval Education & Training Center, Newport, Rhode	3100	
Whereabouts for next 30 days	Island	Phone

I, MACM Hugh C. Caughtem, USN, hereby make the following statement to LT Andrew S. Lookin, USN, who has identified himself/herself as a preliminary inquiry officer for the Naval Justice School, Newport, Rhode Island.

On 24 May 19CY, at approximately 1100, I was in BEQ 346. I had gone to BEQ 346 to see the MAA, MS2 Orlando, in regard to thefts that had occurred during the previous week. He and I went to the second deck and were in the vicinity of Room 222, when we saw YN3 Ferndock exit the room. When he saw us, he dropped what he was carrying in his left hand, and started to walk in the other direction. I called to him to stop and asked for identification. He gave me his ID card and then I proceeded to pick up what he had dropped; it was \$50.00 in cash. I believe there was one \$50.00 bill. I told YN3 Ferndock he was under apprehension for suspected larceny and unauthorized entry into another person's room. I escorted him to my office in Bldg. 340, and placed him on report. I advised him of his Art. 31 rights and then called CDR Vanderbeer at the Naval Justice School. When he arrived, I told him my story and gave him the  
(use additional pages if necessary)

I swear (or affirm) that the information in the statement above and on the 1 attached page(s) is true to the best of my knowledge or belief.

Hugh C. Caughtem  
HUGH C. CAUGHTEM, MACM, USN                      1 June                      19 CY                      1000  
(Witness' Signature)    (Date)    (Time)

Sworn to before me this date.  
Andrew S. Lookin  
ANDREW S. LOOKIN, LT, USN                      1 June                      19 CY                      1000  
(Investigator's Signature)    (Date)    (Time)

report chit and the \$50.00, which he signed a chain of custody for. CDR Vanderbeer and YN3 Ferndock left at approximately 25 May 19CY. I called YN2 Jones and advised him of the theft of his money. I am willing to appear and testify at any hearing or proceeding in regard to this incident.

*Hugh C. Caughtem*

HUGH C. CAUGHTEM

WITNESS' STATEMENT

Michael L. Orlando	MS2/USN	100-00-0000
Name	Rank/Rate	Social Security Number
Naval Education & Training Center, Newport, Rhode	Island	Billeting
Command	Division	
N/A		
TAD from/to	until (give date)	
Naval Education & Training Center, Newport, Rhode	8200	
Whereabouts for next 30 days	Island	Phone

I, MS2 Michael L. Orlando, USN, hereby make the following statement to LT Andrew S. Lookin, USN, who has identified himself/herself as a preliminary inquiry officer for the Naval Justice School, Newport, Rhode Island.

On 25 May 19CY, I had contacted MACM Caughtem concerning thefts which had taken place in BEQ 346 during the previous week. I am the BEQ MAA. At approximately 1100, MACM Caughtem and I walked to the second deck and were near Room 222 when we noticed an individual coming out of Room 222. When the man saw the MAA and I, he dropped what he had in his hand and started walking in the opposite direction. Master Chief Caughtem called for the man to stop and produce identification, which he did. His name was YN3 Clyde Ferndock. The Master Chief then picked up what the man had dropped which turned out to be money. It was \$50.00 in cash. I am certain it was \$50.00 because the Master Chief had me verify his count. After that, the Master Chief told YN3 Ferndock he was under apprehension for suspected larceny and entering another person's room without permission. He then escorted Ferndock to the MAA Office

(use additional pages if necessary)

I swear (or affirm) that the information in the statement above and on the 1 attached page(s) is true to the best of my knowledge or belief.

*Michael L. Orlando*

MICHAEL L. ORLANDO, MS2, USN  
(Witness' Signature)

1 June  
(Date)

19 CY

1100  
(Time)

Sworn to before me this date.

*Andrew S. Lookin*

ANDREW S. LOOKIN, LT, USN  
(Investigator's Signature)

1 June  
(Date)

19 CY

1100  
(Time)

in Bldg. 340. I know Ferndock does not live in Room 222, as that room is currently occupied by one person, YN2 Jones, currently a student at the Naval Justice School. I am willing to appear and testify at any hearing or proceeding in regard to this incident.

*Michael L. Orlando*  
MICHAEL L. ORLANDO

**WITNESS' STATEMENT**

<u>Alvin P. Jones</u>	<u>YN2/USN</u>	<u>002-02-0002</u>
<u>Name</u>	<u>Rank/Rate</u>	<u>Social Security Number</u>
<u>Naval Justice School, Newport, Rhode Island</u>		<u>Paralegal (Student)</u>
<u>Command</u>		<u>Division</u>
<u>N/A</u>		
<u>TAD from/to</u>	<u>until (give date)</u>	
<u>Naval Justice School, Newport, Rhode Island</u>		<u>3255</u>
<u>Whereabouts for next 30 days</u>		<u>Phone</u>

I, YN2 Alvin P. Jones, USN, hereby make the following statement to LT Andrew S. Lookin, USN, who has identified himself/herself as a preliminary inquiry officer for the Naval Justice School, Newport, Rhode Island.

On 25 May 19CY, I received a phone call at the Justice School, from Master Chief Caughtem. He stated he was the Base CMAA. He told me he had caught some one, I forget the name, coming out of my room in the Barracks, Room 346. This person came out of my room with \$50.00 in his hand. I did have a fifty dollar bill in my room at the time of the incident. It was in the drawer of my locker, which was unlocked. I am the only person occupying the room, and to my knowledge, I am the only person to have a key to the room. I have heard others in the barracks talk about money being stolen from their rooms also. I am willing to testify at a hearing or proceeding in regard to this case. However, I am scheduled to graduate from Justice School on 5 July 19CY. I do not know at this time where I will be stationed after graduation.

(use additional pages if necessary)

I swear (or affirm) that the information in the statement above and on the 0 attached page(s) is true to the best of my knowledge or belief.

Alvin P. Jones  
ALVIN P. JONES, YN2, USN                      1 June                      19 CY                      1200  
 (Witness' Signature)                                      (Date)                                      (Time)

Andrew S. Lookin  
ANDREW S. LOOKIN, LT, USN                      1 June                      19 CY                      1200  
 (Investigator's Signature)                                      (Date)                                      (Time)



WITNESS' STATEMENT

Wyn Dixie	ENS/USN	111-11-0000
<u>Name</u>	<u>Rank/Rate</u>	<u>Social Security Number</u>
Naval Justice School, Newport, Rhode Island		ADMIN
<u>Command</u>		<u>Division</u>
N/A		
<u>TAD from/to</u>	<u>until (give date)</u>	
Naval Justice School, Newport, Rhode Island		3456
<u>Whereabouts for next 30 days</u>		<u>Phone</u>

I, ENS Wyn Dixie, USN, hereby make the following statement to LT Andrew S. Lookin, USN, who has identified himself/herself as a preliminary inquiry officer for the Naval Justice School, Newport, Rhode Island.

I am YN3 Clyde E. Ferndock's division officer. Ferndock came to work for me about 10 months ago in the Admin Office here on base. He is a good worker for a third class, and I only have to give him limited directions on any project. He has never been in any trouble since working for me. I was surprised to learn that he was placed on report for theft of property. I have no knowledge of the offense, other than YN3 Ferndock telling me he was on report on the theft. I am willing to appear and testify at a hearing or other proceeding.

(use additional pages if necessary)

I swear (or affirm) that the information in the statement above and on the 0 attached page(s) is true to the best of my knowledge or belief.

<i>Wyn Dixie</i>	1 June	19 CY	1300
WYN DIXIE, ENS, USN	(Date)		(Time)
(Witness' Signature)			

Sworn to before me this date.

<i>Andrew S. Lookin</i>	1 June	19 CY	1300
ANDREW S. LOOKIN, LT, USN	(Date)		(Time)
(Investigator's Signature)			

**SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)**

**SUSPECT'S RIGHTS AND ACKNOWLEDGEMENT STATEMENT**

<b>FULL NAME (ACCUSED/SUSPECT)</b>	<b>SSN</b>	<b>RATE/RANK</b>	<b>SERVICE (BRANCH)</b>
Clyde Elrod Ferndock	000-00-0000	YN3	USN
<b>ACTIVITY/UNIT</b>			<b>DATE OF BIRTH</b>
Naval Justice School, Newport, RI			15 April 19CY(-22)
<b>NAME (INTERVIEWER)</b>	<b>SSN</b>	<b>RATE/RANK</b>	<b>SERVICE (BRANCH)</b>
Andrew S. Lookin	001-00-0101	LT	USN
<b>ORGANIZATION</b>		<b>BILLET</b>	
Naval Justice School, Newport, RI		Division Officer	
<b>LOCATION OF INTERVIEW</b>		<b>TIME</b>	<b>DATE</b>
Naval Justice School, Newport, RI		1400	1 June 19CY

**RIGHTS**

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

(1) I am suspected of having committed the following offense(s): Viol. UCMJ, Art. 121:

Larceny of \$50.00, the property of YN2 Alvin P. Jones, USN,  
on 25 May 19CY. *CAF*

(2) I have the right to remain silent: ----- *CAF*

(3) Any statement I do make may be used as evidence against me in trial by court-martial: ----- *CAF*

(4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both; and ----- *CAF*

(5) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview. ----- *CAF*

**WAIVER OF RIGHTS**

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that, -----

(1) I expressly desire to waive my right to remain silent: -----

(2) I expressly desire to make a statement: -----

(3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to any questioning: -----

**SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (continued)**

(4) I expressly do not desire to have such a lawyer present with me during this interview:  
 and -----

(5) This acknowledgement and waiver of rights is made freely and voluntarily by me, and  
 without any promises or threats having been made to me or pressure or coercion of any kind having  
 been used against me. -----

SIGNATURE (ACCUSED/SUSPECT) <i>Clyde Elrod Feindock</i>	TIME <i>1415</i>	DATE <i>1 June 1967</i>
SIGNATURE (INTERVIEWER) <i>Andrew S. Lookin</i>	TIME <i>1415</i>	DATE <i>1 June 1967</i>
SIGNATURE (WITNESS) <i>John Righeros</i>	TIME <i>1415</i>	DATE <i>1 June 1967</i>

The statement which appears on this page (and the following \_\_\_\_\_ page(s), all of which are signed by me),  
 is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure  
 or coercion of any kind having been used against me.

\_\_\_\_\_  
 SIGNATURE (ACCUSED/SUSPECT)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ACCUSED'S NOTIFICATION AND ELECTION OF RIGHTS  
(Accused NOT attached to or embarked in a vessel)

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Notification and election of rights concerning the contemplated imposition of nonjudicial punishment in the case of:

YN3 Clyde E. Ferndock, USN \_\_\_\_\_, SSN: 000-00-0000,  
assigned or attached to: Naval Justice School, Newport, Rhode Island.

NOTIFICATION

1. In accordance with the requirements of paragraph 4 of Part V, MCM, 1984, you are hereby notified that the commanding officer is considering imposing nonjudicial punishment on you because of the following alleged offense(s):

Viol. UCMJ, Art. 121: Larceny of \$50.00, the property of  
YN2 Alvin P. Jones, USN, on 25 May 19CY.

2. The allegation(s) against you are based on the following information:

Statements made by: MACM Hugh C. Caughtem, USN; MS2 Michael L. Orlando, USN; and YN2 Alvin P. Jones, USN.

3. You have the right to demand trial by court-martial in lieu of nonjudicial punishment. If trial by court-martial is demanded, charges could be referred for trial by court-martial by summary, special, or general court-martial. If charges are referred to trial by summary court-martial, you may not be tried by summary court-martial over your objection. If charges are referred to a special or general court-martial, you will have the right to be represented by counsel. The maximum punishment that could be imposed if you accept nonjudicial punishment is:

Correctional custody for 30 days (E-3 or below); or  
45 days extra duty; or  
60 days restriction,  
Reduction to the next inferior pay grade,  
Forfeiture of one-half month's pay per month for 2 months, and  
Reprimand or admonition.

4. If you decide to accept nonjudicial punishment, you may request a personal appearance before the commanding officer, or you may waive this right.

a. Personal appearance waived. If you waive your right to appear personally before the commanding officer, you will have the right to submit any written matters you desire for the commanding officer's consideration in determining whether or not you committed the offense(s) alleged, and, if so, in determining an appropriate punishment. You are hereby informed that you have

the right to remain silent and that anything you do submit for consideration may be used against you in a trial by court-martial.

b. Personal appearance requested. If you exercise your right to appear personally before the commanding officer, you shall be entitled to the following rights at the proceeding:

(1) To be informed of your rights under Article 31(b), UCMJ.

(2) To be informed of the information against you relating to the offenses alleged.

(3) To be accompanied by a spokesperson provided or arranged for by you. A spokesperson is not entitled to travel or similar expenses, and the proceedings will not be delayed to permit the presence of a spokesperson. The spokesperson may speak on your behalf, but may not question witnesses except as the commanding officer may permit as a matter of discretion. The spokesperson need not be a lawyer.

(4) To be permitted to examine documents or physical objects against you that the commanding officer has examined in the case and on which the commanding officer intends to rely in deciding whether and how much nonjudicial punishment to impose.

(5) To present matters in defense, extenuation, and mitigation orally, in writing, or both.

(6) To have witnesses attend the proceedings, including those that may be against you, if their statements will be relevant and they are reasonably available. A witness is not reasonably available if the witness requires reimbursement by the United States for any cost incurred in appearing, cannot appear without unduly delaying the proceedings, or, if a military witness, cannot be excused from other important duties.

(7) To have the proceedings open to the public unless the commanding officer determines that the proceedings should be closed for good cause. However, this does not require that special arrangement be made to facilitate access to the proceeding.

5. In order to help you decide whether or not to demand trial by court-martial, or to exercise any of the rights explained above should you decide to accept nonjudicial punishment, you may obtain the advice of a lawyer prior to any decision. If you wish to talk to a lawyer, a military lawyer will be made available to you, either in person or by telephone, free of charge, or you may obtain advice from a civilian lawyer at your own expense.

ELECTION OF RIGHTS

6. Knowing and understanding all of my rights as set forth in paragraphs 1 through 5 above, my desires are as follows:

a. Lawyer.

CEJ

I wish to talk to a military lawyer before completing the remainder of this form.

\_\_\_\_\_ I wish to talk to a civilian lawyer before completing the remainder of this form.

\_\_\_\_\_ I hereby voluntarily, knowingly, and intelligently give up my right to talk to a lawyer.

Clyde E. Ferndock

CLYDE E. FERNDOCK, YN3, USN

(Signature of Accused)

John Righteous

JOHN RIGHTEOUS, LN1, USN

(Signature of Witness)

2 June 19CY

(Date)

CEJ

I talked to LT Carl B. Justice, JAGC, USN  
a lawyer, on 2 June 19CY

Clyde E. Ferndock

CLYDE E. FERNDOCK, YN3, USN

(Signature of Accused)

Carl B. Justice

CARL B. JUSTICE, LT, JAGC, USN

(Signature of Witness)

2 June 19CY

(Date)

b. Right to refuse nonjudicial punishment.

I refuse nonjudicial punishment.

CEA I accept nonjudicial punishment.

c. Personal appearance.

CEA I request a personal appearance before the commanding officer.

\_\_\_\_\_ I waive personal appearance. This does not preclude the commanding officer from notifying me, in person, of the punishment imposed.

\_\_\_\_\_ I do not desire to submit any written matters for consideration.

\_\_\_\_\_ Written matters are attached.

d. Elections at personal appearance.

CEA I request that the following witnesses be present at my nonjudicial punishment proceeding:

ENS WYN DIXIE, USN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CEA I request that my nonjudicial punishment proceeding be open to the public.

Clyde E. Ferndock  
CLYDE E. FERDOCK, YN3, USN  
(Signature of Accused)

John Righteous  
JOHN RIGHTEOUS, LN1, USN  
(Signature of Witness)

2 June 19CY  
(Date)

SECTION 5

ARTICLE 15, UCMJ (NJP) AND POSTMAST SERVICE RECORD ENTRIES

This section of the Legalman/Legal Clerk Student Study Guide contains information relative to Article 15, UCMJ, with sample forms and service record entries necessary for its implementation.



I. Post-Mast record entries - general.

Upon completion of Article 15 nonjudicial punishment (Captain's Mast), the Legalman/Legal Clerk, in all probability, will be responsible for making (or causing to be made) a number of entries to record the action taken at mast. The Legalman/Legal Clerk should seek to eliminate any "Post-Mast" entries that are not actually required.

II. Report and Disposition of Offenses (NAVPERS 1626/7)

A. Action of the Commanding Officer

Entries will be made in ALL cases, not just where punishment is imposed. Entries are made as follows:

1. Ensure there is an "X" in the appropriate block(s) to show whether punishment was imposed or that the charge(s) were "DISMISSED" or "DISMISSED WITH A WARNING".

a. DISMISSED indicates the Commanding Officer found that either no offense was committed or that there was not enough information or evidence to believe the accused committed the offense.

b. DISMISSED WITH A WARNING indicates that the Commanding Officer found that an offense was probably committed, but decided NOT to impose punishment.

c. Service record entries required when the offense(s) are DISMISSED or DISMISSED WITH A WARNING by the Commanding Officer:

(1) When the accused's service record contains an unauthorized absence entry, another entry must be made to show what action was taken concerning the UA. If the UA was less than 24 hours, a page 13 entry is required. If the UA was more than 24 hours, completion of a Page 601-6R is required.

(2) For all other offenses DISMISSED or DISMISSED WITH A WARNING, no service record entry is required.

2. When Mast results in a decision to refer charge(s) to trial by Summary or Special Court-Martial, ensure an "X" is in the appropriate block of the NAVPERS 1626/7 and prepare a Charge Sheet (DD 458). No service record entry is required.

3. When Mast results in a decision to refer charges to a Pretrial Investigation under Article 32, ensure an "X" is in the appropriate block. No service record entry is required.

4. When Mast results in a decision to refer charge(s) to a General Court-Martial as a recommendation of the PTI report, ensure an "X" is in the appropriate block. No service record entry is required to record this referral. AS A PRACTICAL MATTER, REFERRAL TO A GCM WILL NOT TAKE PLACE AT MAST.

5. Insert date of Mast, the date the accused was informed of the action (normally the date of mast), and obtain the CO's signature.

#### B. Appeal Rights

1. When charge(s) are dismissed OR dismissed with a warning, appeal rights are not given to the accused. Because this information is not applicable, write "N/A" in the "APPEAL SUBMITTED BY ACCUSED" and "FINAL RESULT OF APPEAL" blocks of the report chit (NAVPERS 1626/7).

2. When punishment is awarded at mast, the appeal rights MUST be explained to the accused after mast and signed by the accused and a witness. The witness will probably be you. Remember to advise the accused of the 5 day period (not 15) in which an appeal is to be submitted.

3. When appeal rights are given, ensure the accused and witness sign the separate appeal rights statement as required by JAGMAN 0110e.

4. If the accused refuses to sign the appeal rights statement, type "refused to sign" in the accused's signature block and witness the refusal by signing in the witness block.

5. If no appeal has been submitted by an accused who received punishment at mast, the "APPEAL SUBMITTED BY ACCUSED", "FORWARDED FOR DECISION ON", and "FINAL RESULT OF APPEAL" blocks are left blank.

6. If an appeal is submitted, the "APPEAL SUBMITTED BY ACCUSED", "FORWARDED FOR DECISION ON", and "FINAL RESULT OF APPEAL" blocks will be filled in with the appropriate dates of such action.

#### C. Appropriate Entries made in Service Record and Pay Account

1. If no punishment is awarded and no service record entries have been made mark the blocks "N/A" as appropriate.

2. If you make a service record entry, initial and indicate the date the entry was made. If PERSUPPET makes the entry, remember to have them send you documentation confirming the entries.

#### D. Unit Punishment Book (UPB)

1. A "Unit Punishment Book" is nothing more than a file containing completed NAVPERS 1626/7's of ALL cases appearing before the CO at mast. This includes dismissed cases. The legal clerk/legalman will start a case file for those cases which are referred to an SCM, SPCM, Article 32, or GCM at mast. The Unit Punishment Book is required as a permanent command record of all cases handled at mast and will be maintained on board for 2 years (see MILPERSMAN 5030500).

III. Required Service Record Entries if Punishment Imposed.

A. Punishments NOT affecting pay (No reduction or forfeiture of Pay):

1. NAVPERS 1070/613 (page 13) to document the NJP;
2. NAVPERS 1070/613 (page 13) to document Booker rights (if shore duty command);
3. NAVPERS 1070/609 (page 9); and
4. NAVPERS 1070/606 (page 6) or NAVPERS 1070/613 (page 13), for cases involving unauthorized absences.

B. Punishments which affect pay (reduction or forfeiture of pay):

1. NAVPERS 1070/613 (page 13) to document Booker rights (if shore duty command);
2. NAVPERS 1070/607 (page 7);
3. NAVPERS 1070/609 (page 9);
4. NAVPERS 1070/604 (page 4) (if reduction in rate is awarded); and
5. NAVPERS 1070/606 (page 6) or NAVPERS 1070/613 to be completed in UA cases.

NOTE: Manual for Advancement states that all lost time as a result of UA, sickness, misconduct, confinement, etc. is not creditable as time in rate (TIR) for advancement and, accordingly, the TIR shall be adjusted (page 4) ONLY if there has been NO REDUCTION IN RATE.

C. Punishments involving reduction or forfeitures of pay which are suspended:

1. NAVPERS 1070/613 (page 13) to document NJP, if punishment awarded included RIR or forfeiture and both were suspended; or, NAVPERS 1070/607 (page 7) to document NJP, if punishment awarded is suspended, but at least one punishment involving pay was not suspended;
2. NAVPERS 1070/613 (page 13) to document Booker rights (if shore duty command);
3. NAVPERS 1070/609 (page 9), and
4. NAVPERS 1070/604 (page 4) (if reduction awarded is not suspended).

D. Punishments involving restraint:

1. Restriction to limits. If restriction is imposed, restriction papers need to be typed. Usually, this is on a local preprinted form, necessitating only the completion of the accused's name, rate, and social security number. It will set out the boundaries of restriction, times, dates and places for muster, and is signed by someone authorized to do so.

2. Extra duty. If extra duty is imposed, virtually the same procedures in paragraph 1 above will be used. Again, notification is by a preprinted form which defines the extra duty, the time it will be accomplished, to whom the accused reports, and any extra instructions necessary.

3. Correctional custody. If correctional custody is imposed, contact the Correctional Custody Unit (CCU) servicing your command to determine the specific paperwork requirements for an accused to be accepted into a CCU. Generally, TAD orders, a copy of the report chit, a medical form indicating the accused is fit for confinement, and the accused's records (S/R, M/R and D/R) are required. The CCU can also advise of the sea bag items required to accompany an accused to CCU. Commanding Officers and Officers-in-Charge may defer the execution of CCU in accordance with JAGMAN, Section 0113b(3), when adequate facilities are not available, the accused is not medically fit, or when exigencies of the service require.

IV. Other administrative action taken after NJP

If it is the command's policy to publish the results of CO's NJP in the command POD, strict compliance with JAGMAN, Section 0115b is mandatory. In no instance will the social security number of an individual be used in the publication of NJP results (see SECNAVINST 5211.5 series).



SHIP OR STATION  
NAVAL EDUCATION AND TRAINING CENTER, NEWPORT, RI

25 Jun CY: YNSN Clyde E. Ferndock, USN, signed JAG Manual Appendix A-1-d prior to his captain's mast which was held on 25 June 19CY.

The accused talked to a lawyer prior to deciding whether to demand trial by court-martial in lieu of captain's mast. The accused was advised that acceptance of nonjudicial punishment does not preclude further administrative action. In completing the remainder of the form, the accused did not demand trial by court-martial in lieu of captain's mast.

*J. M. Perfect*  
I. M. PERFECT, LT, USN, Legal Officer  
By direction of the Commander

NOTE TO STUDENT: This page 1070/613 (page 13) entry represents documentation that the accused talked with an attorney prior to accepting NJP.

THIS ENTRY IS TO BE USED ONLY WHEN THE ACCUSED IS NOT EMBARKED IN A VESSEL AND WHERE THE RECORD MAY BE USED IN AGGRAVATION IN THE EVENT OF A LATER COURT-MARTIAL

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25 Jun CY: YNSN Clyde E. Ferndock, USN, signed JAG Manual Appendix A-1-d, prior to his captain's mast which was held on 25 June 19CY.

The accused gave up his right to talk to a lawyer prior to deciding whether to demand trial by court-martial in lieu of captain's mast. The accused was advised that acceptance of nonjudicial punishment does not preclude further administrative action. In completing the remainder of the form, the accused did not demand trial by court-martial in lieu of captain's mast.

*J. M. Perfect*  
I. M. PERFECT, LT, USN, Legal Officer  
By direction of the Commander

NOTE TO STUDENT: This page 1070/613 (page 13) entry represents documentation that the accused had given up his right to talk to a lawyer prior to deciding whether to demand trial by court-martial in lieu of captain's mast.

THIS ENTRY IS TO BE USED ONLY WHEN THE ACCUSED IS NOT EMBARKED IN A VESSEL AND WHERE THE RECORD MAY BE USED IN AGGRAVATION IN THE EVENT OF A LATER COURT-MARTIAL.

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NAME (Last, First, Middle) FERNDOCK, Clyde Elrod	SSN 000-00-0000	BRANCH AND CLASS USN
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COURT MEMORANDUM

1. DATE SUBMITTED CYJUN25		2. SHIP OR STATION AND LOCATION NAVAL EDUCATION AND TRAINING CENTER, NEWPORT, RI			
3. DATE OF REFERRAL		4. TYPE OF COURT NJP	5. DATE OF COURT/ MAST CYJUN25	6. UCMJ ARTICLE(S) 121	
7. DATE OF ACTION CYJUN25		8. TYPE OF ACTION <input checked="" type="checkbox"/> 8. REPORT OF ACTION	9. MODIFI- CATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF SUBMISSION ON 1070/ 607 MOD OR CORRECTED
<input checked="" type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM YN3	14. TO YNSN	15. TIR CYJUN25		
<input checked="" type="checkbox"/> 16. FORFEITURE	17. MONTHLY AMT. \$ 100.00	18. NO. MONTHS 2			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. MO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE- FUND DATE		
<input type="checkbox"/> 29. DESERTION MARK REMOVED	<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DIS- APPROVED			
PRE-TRIAL CONFINEMENT 32. FROM:		33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)	
CONFINEMENT ORDERED AND COMPLETED 36. FROM:		37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)	
40. CHANGE EAOS TO:		41. CHANGE EXP. ENL. TO:			

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYJUN25: CO'S NJP HELD THIS DATE  
 VIOLATION UCMJ, ART 121 LARCENY OF \$50.00, THE PROPERTY OF YN2 JONES,  
 USN, ON CYMAY25  
 PUNISHMENT AWARDED: RIR TO YNSN, FORF \$100.00 PPM X 2, AND 10 DAYS  
 RESTRICTION TO LIMITS OF NETC, NEWPORT, RI.

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607DTD		44. AUTHORITY TYPE	
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45.

(MAY BE CONTINUED ON REVERSE)

46. (SIGNATURE) BY DIRECTION <i>J. M. Perfect</i>		GRADE LT	
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I. M. PERFECT, LT, USN, BY DIRECTION OF THE COMMANDER

47. UNIT I.D. CODE 12345		48. RATE YNSN	
49. NAME (LAST, FIRST, MIDDLE) FERNDOCK, CLYDE ELROD		50. SSN 000-00-0000	51. BRANCH CLASS USN

## ENLISTED PERFORMANCE RECORD

1 PERIOD OF REPORT	2 REASON	3 RATE	4 TRAITS						5 SHIP OR STATION	INITIAL
			Rate Knowledge	Reliability	Military Bearing	Personal Behavior	Directing	Overall Evaluation		
90DEC25	M	SR	Date of Enlistment						NAVCUITDIST SAN DIEGO CA	<i>WWW</i>
91FEB10	AR	SA	Accelerated Advancement to SA						RTC, NTC SAN DIEGO CA	<i>WWW</i>
91MAR01	T	SA	3.8	3.8	4.0	4.0	4.0	4.0	NAS JACKSONVILLE FL	<i>DEF</i>
91AUG16	AR	SN	Advanced to SN (NAVPERS 1070/604)						NAS JACKSONVILLE FL	<i>DEF</i>
92MAR01	T	SN	4.0	3.8	4.0	4.0	4.0	4.0	NAS JACKSONVILLE FL	<i>DEF</i>
92MAY16	AR	YN3	Advanced to YN3 (NAVPERS 1070/604)						NETC NEWPORT RI	<i>IMP</i>
92JUN25	NJP/ RR	YNSN	CO'S NJP THIS DATE (NAVPERS 1070/604/607/613)						NETC NEWPORT RI	<i>IMP</i>
<p>NOTE TO STUDENT: USE "RR" ONLY IN MAST ENTRIES IN WHICH THE ACCUSED WAS REDUCED IN RATE.</p> <p>IF NO REDUCTION WAS AWARDED AT MAST, COLUMN 2 WOULD READ "NJP" ONLY.</p>										
NAME (Last)			(First)			(Middle)			SSN	REGISTRATION
FERNDOCK,			Clyde			Elrod			000-00-0000	USN



5. NAVY SERVICE SCHOOLS/MILITARY TRAINING COURSES

COURSE TITLE/SCHOOL		NEC	DATE ENROLLED/COMPLETED	INIT	COURSE TITLE/SCHOOL		NEC	DATE ENROLLED/COMPLETED	INIT
COURSE LENGTH	GRADE	MANNER OF COMPLETION		INIT	COURSE LENGTH	GRADE	MANNER OF COMPLETION		INIT
		<input type="checkbox"/> GRADUATED	<input type="checkbox"/> DROPPED				<input type="checkbox"/> GRADUATED	<input type="checkbox"/> DROPPED	

6. CORRESPONDENCE COURSES REQUIRED FOR ADVANCEMENT

DESCRIPTION OF COURSE, RATE OR NAVPERS NUMBER	DATE COMPLETED	INIT	DESCRIPTION OF COURSE, RATE OR NAVPERS NUMBER	DATE COMPLETED	INIT

7. NAVY ENLISTED CLASSIFICATIONS      8. PERSONNEL ADVANCEMENT REQUIREMENTS

PRIMARY CODE	SECONDARY CODE	DATE	INIT	DESCRIPTION	DATE COMPLETED	INIT

9. ENLISTED RATE/RATING      10. DESIGNATOR RECORD

RATE	DATE	TIME IN RATE	INIT	DATE	DESIGNATOR	QUAL/REVOCATION	INIT
SR-SA	10FEBCY(-1)	10FEBCY(-1)	WWW				
SA-SN	16AUGCY(-1)	16AUGCY(-1)	WWW				
SN-YN3	16MAYCY	16MAYCY	WWW				
YN3-YNSN	25JUNCY	25JUNCY	IMP				

NAME (Last, First, Middle) FERNDOCK, Clyde Elrod	SOCIAL SECURITY NUMBER 000-00-0000	BRANCH AND CLASS USN
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CAPTAIN'S MAST  
ACCUSED'S ACKNOWLEDGEMENT OF APPEAL RIGHTS

I, YNSN Clyde E. Ferndock, USN, SSN 000-00-0000,  
(Grade and name of accused)

assigned or attached to Naval Justice School, Newport, Rhode Island, have been informed of the following facts concerning my rights of appeal as a result of captain's mast held on 25 Jun 64.

a. I have the right to appeal to Commander, Naval Education and Training Center, Newport.

b. My appeal must be submitted within a reasonable time. Five days after the punishment is imposed is normally considered a reasonable time, in the absence of unusual circumstances. Any appeal submitted thereafter may be rejected as not timely. If there are unusual circumstances which I believe will make it extremely difficult or not practical to submit an appeal within the 5 day period, I should immediately advise the officer imposing punishment of such circumstances, and request an appropriate extension of time in which to file my appeal.

c. The appeal must be in writing.

d. There are only two grounds for appeal; that is:

(1) The punishment was unjust, or

(2) The punishment was disproportionate to the offense(s) for which it was imposed.

e. If the punishment imposed included reduction from the pay grade of E-4 or above, or was in excess of: arrest in quarters for 7 days, correctional custody for 7 days, forfeiture of 7 days' pay, extra duties for 14 days, restriction for 14 days, or detention of 14 days' pay, then the appeal must be referred to a military lawyer for consideration and advice before action is taken on my appeal.

Clyde E. Ferndock 25 Jun 64  
Signature of Accused and date

Joe B. Jones 25 Jun 64  
Signature of Witness and date

**ACTION OF COMMANDING OFFICER**

DISMISSED  
 DISMISSED WITH WARNING (Not considered MJP)  
 ADMONITION: ORAL/IN WRITING  
 REPRIMAND: ORAL/IN WRITING  
 REST. TO NAS Cecil FOR 45 DAYS  
 REST. TO \_\_\_\_\_ FOR \_\_\_\_\_ DAYS WITH SUSP. FROM DUTY  
 FORFEITURE: TO FORFEIT \$ \_\_\_\_\_ PAY PER MO. FOR \_\_\_\_\_ MO(S)

CONF. ON \_\_\_\_\_ 1, 2, OR 3 DAYS  
 CORRECTIONAL CUSTODY FOR \_\_\_\_\_ DAYS  
 REDUCTION TO NEXT INFERIOR PAY GRADE  
 REDUCTION TO PAY GRADE OF \_\_\_\_\_  
 EXTRA DUTIES FOR 45 DAYS  
 PUNISHMENT SUSPENDED FOR \_\_\_\_\_  
 ART. 32 INVESTIGATION  
 RECOMMENDED FOR TRIAL BY GCM

AWARDED SPCM       AWARDED SCH



DATE OF MAST: <u>14 Feb cy</u>	DATE ACCUSED INFORMED OF ABOVE ACTION: <u>14 Feb cy</u>	SIGNATURE OF COMMANDING OFFICER: <u>J. M. Flyer, Capt, USN</u>
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It has been explained to me and I understand that if I feel this imposition of nonjudicial punishment to be unjust or disproportionate to the offenses charged against me, I have the right to immediately appeal my conviction to the next higher authority within 15 days.

*WFC*

SIGNATURE OF ACCUSED: <u>William F. Claxton</u>	DATE: <u>14 Feb cy</u>	I have explained the above rights of appeal to the accused.
		SIGNATURE OF WITNESS: <u>J. M. Student</u> DATE: <u>14 Feb cy</u>

**FINAL ADMINISTRATIVE ACTION**

APPEAL SUBMITTED BY ACCUSED: DATED: _____ FORWARDED FOR DECISION ON _____	FINAL RESULT OF APPEAL:   
APPROPRIATE ENTRIES MADE IN SERVICE RECORD AND PAY ACCOUNT ADJUSTED WHERE REQUIRED: DATE: <u>1 Feb cy</u> <u>JMS</u> (Initials)	FILED IN UNIT PUNISHMENT BOOK: DATE: <u>16 Feb cy</u> <u>JMS</u> (Initials)

NAVPERS 1626/7 (REV. 8-81)(BACK)

☆ U.S. GOVERNMENT PRINTING OFFICE: 1985-505-012/17977 2-1

**NO APPEAL SUBMITTED**

ADMINISTRATIVE REMARKS  
NAVPERS 1070/813 (REV. 10-51)  
S/N 0106-LF-010-6891

E-32

SHIP OR STATION  
NAVAL AIR STATION CECIL FIELD, FL

15 Feb CY: COMMANDING OFFICER'S NON-JUDICIAL PUNISHMENT

DATE OF OFFENSE:

29 January 19CY.

NATURE OF OFFENSE:

Violation of UCMJ, Art. 134,  
wrongfully communicate a threat to  
SN Jones on 29 January 19CY.

DATE OF CAPTAIN'S MAST:

14 February 19CY.

NON-JUDICIAL PUNISHMENT AWARDED:

Extra duty and restriction to limits of  
NAS Cecil for 45 days.

*J. F. James*  
J. F. JAMES, LT, USN, Legal Officer  
By direction of the Commanding Officer

NAME (Last, First, Middle)  
CLANTON, William Fred

SSN  
534-00-8833

BRANCH AND CLASS  
USN

### ENLISTED PERFORMANCE RECORD

1. PERIOD OF REPORT	2. REASON	3. RATE	4. TRAITS					5. SHIP OR STATION	6. INITIALS
			Rate Knowledge	Reliability	Military Bearing	Personal Behavior	Directing		
CY-1OCT31	M	AR	Date of Enlistment					NAVCUITDIST NORFOLK VA	JIT ITT
CY-1DEC20	S	AA	Advanced to AA					RTC, NTC GREAT LAKES IL	J&E SOE
CYFEB14	NJP	AA	CO'S NJP THIS DATE (NAVPERS 1070/613)					NAS CECIL FIELD FL	JFB

NAME (Last)	(First)	(Middle)	SSN	BRANCH/CLASS
CLANTON,	William	Fred	534-00-8833	USN

ACTION OF COMMANDING OFFICER

<input checked="" type="checkbox"/> DISMISSED	<input type="checkbox"/> CONF. ON _____ 1, 2, OR 3 DAYS
<input type="checkbox"/> DISMISSED WITH WARNING (Not considered NJP)	<input type="checkbox"/> CORRECTIONAL CUSTODY FOR _____ DAYS
<input type="checkbox"/> ADMONITION: ORAL/IN WRITING	<input type="checkbox"/> REDUCTION TO NEXT INFERIOR PAY GRADE
<input type="checkbox"/> REPRIMAND: ORAL/IN WRITING	<input type="checkbox"/> REDUCTION TO PAY GRADE OF _____
<input type="checkbox"/> REST. TO _____ FOR _____ DAYS	<input type="checkbox"/> EXTRA DUTIES FOR _____ DAYS
<input type="checkbox"/> REST. TO _____ FOR _____ DAYS WITH SUSP. FROM DUTY	<input type="checkbox"/> PUNISHMENT SUSPENDED FOR _____
<input type="checkbox"/> FORFEITURE: TO FORFEIT \$ _____ PAY PER MO. FOR _____ MO(S)	<input type="checkbox"/> ART. 32 INVESTIGATION
	<input type="checkbox"/> RECOMMENDED FOR TRIAL BY GCM
	<input type="checkbox"/> AWARDED SPCM <input type="checkbox"/> AWARDED SCM

DATE OF MAST: <u>13 Oct CY</u>	DATE ACCUSED INFORMED OF ABOVE ACTION: <u>13 Oct CY</u>	SIGNATURE OF COMMANDING OFFICER: <u>J. M. Gray, LCDR, USN</u>
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It has been explained to me and I understand that if I feel this imposition of nonjudicial punishment to be unjust or disproportionate to the offenses charged against me, I have the right to immediately appeal my conviction to the next higher authority within 15 days.

SIGNATURE OF ACCUSED: <u>N/A</u>	DATE: _____	I have explained the above rights of appeal to the accused.
		SIGNATURE OF WITNESS: <u>N/A</u> DATE: _____

FINAL ADMINISTRATIVE ACTION

APPEAL SUBMITTED BY ACCUSED: <u>N/A</u>	FINAL RESULT OF APPEAL: <u>N/A</u>
DATED: _____	
FORWARDED FOR DECISION ON: _____	
APPROPRIATE ENTRIES MADE IN SERVICE RECORD AND PAY ACCOUNT ADJUSTED WHERE REQUIRED: <u>N/A</u>	FILED IN UNIT PUNISHMENT BOOK: <u>13 Oct CY</u> <u>A BC</u>
DATE: _____	(Initials)

**NOT CONSIDERED NJP** - NO SERVICE RECORD ENTRIES ARE MADE REFLECTING ACCUSED APPEARED AT NJP EXCEPT IN NJP WHERE ARTICLE 86 OFFENSE WAS DISMISSED BY COMMANDING OFFICER. IF A PAGE 13 OR PAGE 6 WERE COMPLETED FOR AN UNAUTHORIZED ABSENCE OFFENSE, THE BLOCK FOR "APPROPRIATE ENTRIES MADE IN SERVICE RECORD AND PAY ACCOUNT ADJUSTED WHERE REQUIRED" WOULD BE DATED AND INITIALED.

SHIP OR STATION  
NAVAL JUSTICE SCHOOL, NEWPORT, RI

22 Mar CY: COMMANDING OFFICER'S NON-JUDICIAL PUNISHMENT

DATE OF OFFENSE: 15 March 19CY.  
NATURE OF OFFENSE: Violation of UCMJ, Art. 91, failure to obey the order of a superior petty officer on 15 March 19CY.  
DATE OF CAPTAIN'S MAST: 22 March 19CY.  
NON-JUDICIAL PUNISHMENT AWARDED: Correctional custody for 15 days (suspended for a period of 3 months).

*Adam B. Smith*  
ADAM B. SMITH, LT, USN, Legal Officer  
By direction of the Commanding Officer

11 Apr CY: The suspended 15 days correctional custody awarded at non-judicial punishment on 22 March 19CY is vacated this date due to continued misconduct.

*Adam B. Smith*  
ADAM B. SMITH, LT, USN, Legal Officer  
By direction of the Commanding Officer

NOTE TO STUDENT: The above entry is an example of the vacation of a suspended punishment which does not affect pay. If punishment would have affected pay, the entry showing vacation of the suspended punishment would be made on a page 1070/607.

NAME (Last, First, Middle) KELLY, Johnny Francis	SSN 222-33-4444	BRANCH AND CLASS USN
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ADMINISTRATIVE REMARKS  
NAVPERS 1070/613 (REV. 10-81)  
S/N 0106-LF-010-8991

E-32

SHIP OR STATION  
USS GLORY (CVA-03)

5 Jun CY: COMMANDING OFFICER'S NON-JUDICIAL PUNISHMENT

DATE OF OFFENSE: 28 May 19CY.  
NATURE OF OFFENSE: Violation of UCMJ, Art. 86, UA from  
0700 to 2330, 28 May 19CY.  
DATE OF CAPTAIN'S MAST: 4 June 19CY.  
NON-JUDICIAL PUNISHMENT AWARDED: Reduction to pay grade E-4 (suspended for  
6 months) and restriction to limits of the  
ship for 10 days.

*A. B. Brown*

A. B. BROWN, LTJG, USNR, Personnel Officer  
By direction of the Commanding Officer

-----  
Reference for sample format: MILPERSMAN 5030420

NAME (Last, First, Middle)  
SAILOR, Any Old

SSN  
987-65-4321

BRANCH AND CLASS  
USN



BUPERS USE ONLY

PL01-7R

BUPERS USE ONLY

## COURT MEMORANDUM

1. DATE SUBMITTED CYJUN30		2. SHIP OR STATION USS GLORY (CVA-03)			
3. DATE OF REFERRAL		4. TYPE OF COURT NJP	5. DATE OF COURT/ MAST CYJUN04	6. UCMJ ARTICLE(S) 86	
7. DATE OF ACTION CYJUN30		8. REPORT TYPE OF ACTION <input checked="" type="checkbox"/>	9. MODIFI- CATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input checked="" type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM AK2	14. TO AK3	15. TIR CYJUN30		
<input type="checkbox"/> 16. FORFEITURE	17. MONTHLY AMT. \$	18. NO. MONTHS			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. MO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE- FUND DATE		
<input type="checkbox"/> 29. DESERTION MARK REMOVED	<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DIS- APPROVED			
PRE-TRIAL CONFINEMENT 32. FROM:		33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)	
CONFINEMENT ORDERED AND COMPLETED 36. FROM:		37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)	
40. CHANGE EAOS TO:		41. CHANGE EXP. ENL. TO:			

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYJUN30: PUNISHMENT OF RIR TO AK3 SUSPENDED AT CO'S NJP OF CYJUN04 VACATED THIS DATE DUE TO CONTINUED MISCONDUCT.

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD		44. AUTHORITY TYPE	
------------------	--	--------------------	--

45. NOTE TO STUDENT: This is the procedure to report a suspended sentence which is later vacated. If additional punishment is awarded at NJP for an offense which caused the vacation, a separate NAVPERS 1070/607 or NAVPERS 1070/613 must be prepared as appropriate.

(MAY BE CONTINUED ON REVERSE)

--

<i>A. B. Brown</i>	
46. SIGNATURE	GRADE

A. B. BROWN, LTJG, USNR, BY DIRECTION OF THE COMMANDING OFFICER

47. UNIT I.D. CODE 03318		48. RATE AK3	
49. NAME (LAST, FIRST, MIDDLE) SAILOR, ANY OLD		50. SSN 987-65-4321	51. BRANCH/CLASS USN

COURT MEMORANDUM NAVPERS 1070/607 (REV 10-71)

ADMINISTRATIVE REMARKS  
NAVPERS 1070/813 (REV. 10-81)  
S/N 0106-LF-010-8991

E-32

SHIP OR STATION

USS GLORY (CVA-03)

6 Jun CY: On unauthorized absence from 0700, 28 May 19CY. Voluntarily returned on board at 2330, 28 May 19CY. On unauthorized absence for a period of about 16 and a half hours.

*A. B. Brown*

A. B. BROWN, LTJG, USNR, Personnel Officer  
By direction of the Commanding Officer

-----  
25 Jun CY: The unauthorized absence from 0700 to 2330, 28 May 19CY is excused as unavoidable.

*A. B. Brown*

A. B. BROWN, LTJG, USN, Personnel Officer  
By direction of the Commanding Officer

-----  
OR

25 Jun CY: The unauthorized absence from 0700 to 2330, 28 May 19CY is not excused.

*A. B. Brown*

A. B. BROWN, LTJG, USN, Personnel Officer  
By direction of the Commanding Officer

-----  
**NOTE TO STUDENT:** These entries show a UA of less than 24 hours that has been either excused as unavoidable or not excused.

NAME (Last, First, Middle)  
SAILOR, Any Old

SSN 987-65-4321

BRANCH AND CLASS  
USN

RECORD OF UNAUTHORIZED ABSENCE

A	1. DATE OF SUBMISSION CYOCT13		2. SHIP OR STATION AND LOCATION NAVAL STATION, SAN DIEGO, CA				
	3. HOUR: 0730		4. DATE: CYOCT10		<input checked="" type="checkbox"/> 5. OVER LIBERTY	LIBERTY BEGAN 6. HOUR: 1600	
B	7. DATE: CYOCT09		<input type="checkbox"/> 8. OVER LEAVE	<input type="checkbox"/> 9. AWOL			
	10. HOUR: 1145		11. DATE:		<input type="checkbox"/> 12. DELIVERED TO CIVIL AUTH	<input type="checkbox"/> 13. APPREHENDED BY CIVIL AUTHORITIES	<input type="checkbox"/> 14. DD 616 ISSUED
C	15. AT (ORGANIZATION AND LOCATION)						
D	UNAUTHORIZED ABSENCE FOR 10 DAYS <input type="checkbox"/> 16. DD 553 ISSUED		<input type="checkbox"/> 17. PERSONAL EFFECTS COLLECTED, INVENTORIED, AND IN SAFEKEEPING				
	18. UIC MEMBER UA FROM: 34521			19. ACTIVITY MEMBER UA FROM: NAVSTA SAN DIEGO CA			
E	RETURNED TO MILITARY JURISDICTION 20. HOUR: 1145		21. DATE: CYOCT12		<input type="checkbox"/> 22. APPREHENDED	<input checked="" type="checkbox"/> 23. SURRENDERED	<input type="checkbox"/> 24. DD 616 ISSUED
	25. RETURNED TO MILITARY JURISDICTION AT: (ACTIVITY) NAVSTA SAN DIEGO CA			26. UIC 34521		<input checked="" type="checkbox"/> 27. RET. ON BOARD	
	28. TRANSFERRED TO: (ACTIVITY)			29. UIC			
	<input type="checkbox"/> 30. DETERMINATION NOT UNAUTHORIZED ABSENCE			31. NAVPERS 1070/606 WHICH REPORTED ABSENCE IN ERROR			
G	<input checked="" type="checkbox"/> 32. ABSENCE EXCUSED UNAVOIDABLE		33. CHARGED NO. DAYS LEAVE (DAY FOR DAY) 3				
	34. FROM: SKMC		35. TO:		<input type="checkbox"/> 36. DISEASE DUE TO USE OF ALCOHOL/ DRUGS	<input type="checkbox"/> 37. OTHER	
	<input type="checkbox"/> 38. ABSENCE NOT EXCUSED	39. CHARGE NO. DAYS LOST TIME (30 DAY MO)	40. CHARGE NO. DAYS LOST TIME (DAY FOR DAY)	41. CHANGE EAOS TO:	42. CHANGE EXPR ENL TO:		
H	<input type="checkbox"/> 43. ADJUST PREVIOUSLY SUBMITTED 1070/606		44. DATED		<input type="checkbox"/> 45. CORRECTED INFO ENTERED ABOVE		
	46. ERRONEOUSLY REPORTED LEAVE		47. ERRONEOUSLY REPORTED LOST TIME (30 DAY MONTH)	48. ERRONEOUSLY REPORTED LOST TIME (DAY FOR DAY)			
I	49. AMPLIFYING REMARKS (MAY BE CONTINUED ON REVERSE)						
	CYOCT11: UA OVER REGULAR LIBERTY FM NAVSTA SAN DIEGO CA AT 0730, CYOCT10. INTENTIONS UNKNOWN. <i>B. N. Cartwright</i> B. N. CARTWRIGHT, LN1, USN, BY DIRECTION OF CO						
	CYOCT12: SURRENDERED ON BOARD THIS COMMAND 1145, CYOCT12. <i>B. N. Cartwright</i> B. N. CARTWRIGHT, LN1, USN, BY DIRECTION OF CO						
	CYOCT13: ABSENCE EXCUSED AS UNAVOIDABLE -- CHARGED 3 DAYS LEAVE. <i>B. N. Cartwright</i> B. N. CARTWRIGHT, LN1, USN, BY DIRECTION OF CO						
J	50. (SIGNATURE) BY DIRECTION <i>B. N. Cartwright</i>		RANK/GRADE B. N. CARTWRIGHT, LN1, USN, BY DIRECTION OF CO				
	51. UNIT I.D. CODE 34521		52. RATE MMFN				
	53. NAME (LAST, FIRST, MIDDLE) FIREMAN, ANY OLD			54. SSN 777-87-7777	55. BRANCH/CLASS USN		

MAST LOG (File 1620)

Name	Rate	Div.	PH#	Witnesses	Punishment
					B & W Days. CC Days. Rest. Days. Extra Duty Days RIR . Forf.\$ X Mos. SOM SPOM ART 32 Admon Reprimand . (Verbal Written ) Dismissed Dismissed with a warning Comments
					B & W Days. CC Days. Rest. Days. Extra Duty Days RIR . Forf.\$ X Mos. SOM SPOM ART 32 Admon Reprimand . (Verbal Written ) Dismissed Dismissed with a warning Comments
					B & W Days. CC Days. Rest. Days. Extra Duty Days RIR . Forf.\$ X Mos. SOM SPOM ART 32 Admon Reprimand . (Verbal Written ) Dismissed Dismissed with a warning Comments
					B & W Days. CC Days. Rest. Days. Extra Duty Days RIR . Forf.\$ X Mos. SOM SPOM ART 32 Admon Reprimand . (Verbal Written ) Dismissed Dismissed with a warning Comments

NOTE TO STUDENT: This "Mast Log" should be utilized for each mast to record the results of mast. Obviously, you may tailor it to your own personal command needs. This becomes a permanent part of your 1620 Discipline files. DO NOT FILE IN THE UNIT PUNISHMENT BOOK.

SECTION 6

CONVENING ORDERS AND AMENDING ORDERS

This section of the Legalman/Legal Clerk Student Study Guide contains sample courts-martial convening and amending orders.

DEPARTMENT OF THE NAVY  
USS HAZE GRAY (DD 890)  
FPO New York 09501-9999

5 January 19CY

SUMMARY COURT-MARTIAL CONVENING ORDER 1-CY

Pursuant to authority contained in paragraph 0120c, Judge Advocate General of the Navy Instruction 5800.7C, of 3 October 1990, Lieutenant Yul B. Sorry, U.S. Navy, is detailed a summary court-martial.

*Clinton T. McHale*

CLINTON T. MCHALE  
Commander, U.S. Navy  
Commanding Officer  
USS HAZE GRAY (DD 890)

NOTE TO STUDENT: THIS IS A SAMPLE SUMMARY COURT-MARTIAL  
CONVENING ORDER

DEPARTMENT OF THE NAVY  
Naval Air Station Oceana  
Virginia Beach, Virginia 23460

16 January 19CY

SPECIAL COURT-MARTIAL CONVENING ORDER 2-CY

Pursuant to authority contained in paragraph 0120b(3), Judge Advocate General of the Navy Instruction 5800.7C, of 3 October 1990, a special court-martial is convened with the following members:

Lieutenant Commander Steven A. Miller, Jr., U.S. Navy;  
Lieutenant Matthew J. Ferguson, SC, U.S. Naval Reserve;  
Lieutenant Carol L. Parmley, U.S. Navy;  
Lieutenant Junior Grade Peter C. Gaines, U.S. Navy; and  
Ensign Roberto I. Jiminez, U.S. Naval Reserve.

*James D. Watkins, III*  
JAMES D. WATKINS, III  
Captain, U.S. Navy  
Commanding Officer  
Naval Air Station Oceana  
Virginia Beach, Virginia

NOTE TO STUDENT: THIS IS A SAMPLE SPECIAL COURT-MARTIAL  
CONVENING ORDER.

DEPARTMENT OF THE NAVY  
Naval Education and Training Center  
Newport, Rhode Island 06840

29 January 19CY

GENERAL COURT-MARTIAL CONVENING ORDER 1-CY

Pursuant to authority contained in paragraph 0120a(2), Judge Advocate General of the Navy Instruction 5800.7C, of 3 October 1990, a general court-martial is convened with the following members:

Commander George N. Hunt, Jr., U.S. Navy;  
Lieutenant Commander John C. Littlefield, U.S. Navy;  
Lieutenant Anthony R. Patrilli, U.S. Navy;  
Lieutenant Junior Grade Susan M. Morrisette, CEC, U.S. Navy;  
Ensign William E. Davidson, U.S. Naval Reserve; and  
Chief Boatswain CW04 Samuel F. Prescott, U.S. Navy.

*Richard J. Anderson*

RICHARD J. ANDERSON  
Rear Admiral, U.S. Navy  
Commander, Naval Education  
and Training Center  
Newport, Rhode Island

NOTE TO STUDENT: THIS IS A SAMPLE GENERAL COURT-MARTIAL  
CONVENING ORDER.



## AMENDING ORDERS

1. The following samples show some of the various types of amending orders and the intended purpose of each different type.
2. These samples can be modified for use in amending either a special or a general court-martial convening order simply by changing the heading and the body to reflect the appropriate type of order. Keep in mind, however, that the basic format of these samples will not change regardless of the type of order you are amending.
3. A summary court-martial convening order may never be amended to use for special or general courts-martial.

DEPARTMENT OF THE NAVY  
Naval Air Station Oceana  
Virginia Beach, Virginia 23460

26 January 19CY

SPECIAL COURT-MARTIAL AMENDING ORDER 2A-CY

The following members are detailed to the special court-martial convened by order 2-CY, this command, dated 16 January 19CY:

Lieutenant Junior Grade Nancy M. Ayers, U.S. Navy; and  
Lieutenant Junior Grade Michael J. Hendricks, U.S. Navy.

*James D. Watkins, III*  
JAMES D. WATKINS, III  
Captain, U.S. Navy  
Commanding Officer  
Naval Air Station Oceana  
Virginia Beach, Virginia

NOTE TO STUDENT: THIS TYPE OF AMENDING ORDER IS USED TO PERMANENTLY ADD OFFICER MEMBERS TO A PREVIOUSLY ESTABLISHED GENERAL OR SPECIAL COURT-MARTIAL.

DEPARTMENT OF THE NAVY  
Naval Air Station Oceana  
Virginia Beach, Virginia 23460

27 January 19CY

SPECIAL COURT-MARTIAL AMENDING ORDER 2B-CY

The following members are detailed to the special court-martial convened by order 2-CY, this command, dated 16 January 19CY, for the trial of Radioman Third Class Joseph T. Cooper, U.S. Navy, only:

Ensign Robert J. Kendall, Jr., SC, U.S. Naval Reserve; and  
Chief Boatswain CW02 John S. Tyson, U.S. Navy.

*James D. Watkins III*

JAMES D. WATKINS, III  
Captain, U.S. Navy  
Commanding Officer  
Naval Air Station Oceana  
Virginia Beach, Virginia

NOTE TO STUDENT: THIS TYPE OF AMENDING ORDER IS USED TO  
TEMPORARILY ADD OFFICER MEMBERS TO A  
PREVIOUSLY ESTABLISHED GENERAL OR  
SPECIAL COURT-MARTIAL FOR A SPECIFIC CASE  
ONLY.

DEPARTMENT OF THE NAVY  
Naval Air Station Oceana  
Virginia Beach, Virginia 23460

28 January 19CY

SPECIAL COURT-MARTIAL AMENDING ORDER 2C-CY

The following members, detailed to the special court-martial convened by order 2-CY, this command, dated 16 January 19CY, are hereby relieved:

Lieutenant Matthew J. Ferguson, SC, U.S. Naval Reserve; and  
Lieutenant Junior Grade Peter C. Gaines, U.S. Navy.

*James D. Watkins, III*

JAMES D. WATKINS, III  
Captain, U.S. Navy  
Commanding Officer  
Naval Air Station Oceana  
Virginia Beach, Virginia

NOTE TO STUDENT: THIS TYPE OF AMENDING ORDER IS USED TO PERMANENTLY REMOVE OFFICER MEMBERS FROM A PREVIOUSLY ESTABLISHED GENERAL OR SPECIAL COURT-MARTIAL WITHOUT REPLACEMENTS.

DEPARTMENT OF THE NAVY  
Naval Air Station Oceana  
Virginia Beach, Virginia 23460

29 January 19CY

SPECIAL COURT-MARTIAL AMENDING ORDER 2D-CY

The following members, detailed to the special court-martial convened by order 2-CY, this command, dated 16 January 19CY, are hereby relieved for the trial of Radioman Third Class Joseph T. Cooper, U.S. Navy, only:

Lieutenant Junior Grade Nancy M. Ayers, U.S. Navy; and  
Ensign Roberto I. Jiminez, U. S. Naval Reserve.

*James D. Watkins, III*

JAMES D. WATKINS, III  
Captain, U.S. Navy  
Commanding Officer  
Naval Air Station Oceana  
Virginia Beach, Virginia

NOTE TO STUDENT: THIS TYPE OF AMENDING ORDER IS USED TO TEMPORARILY REMOVE OFFICER MEMBERS FROM A PREVIOUSLY ESTABLISHED GENERAL OR SPECIAL COURT-MARTIAL WITHOUT REPLACEMENTS FOR A SPECIFIC CASE ONLY.

DEPARTMENT OF THE NAVY  
Naval Education and Training Center  
Newport, Rhode Island 06840

5 February 19CY

GENERAL COURT-MARTIAL AMENDING ORDER 1A-CY

Chief Operations Specialist CW03 Jeffrey T. Campbell, U.S. Navy, is detailed as a member of the general court-martial convened by order number 1-CY, this command, dated 29 January 19CY, vice Lieutenant Anthony R. Patrilli, U.S. Navy, relieved.

*Richard J. Anderson*

RICHARD J. ANDERSON  
Rear Admiral, U.S. Navy  
Commander, Naval Education  
and Training Center  
Newport, Rhode Island

NOTE TO STUDENT: THIS TYPE OF AMENDING ORDER IS USED TO PERMANENTLY REMOVE AN OFFICER MEMBER FROM A PREVIOUSLY ESTABLISHED GENERAL OR SPECIAL COURT-MARTIAL AND TO REPLACE THAT MEMBER WITH A NEW OFFICER MEMBER.

DEPARTMENT OF THE NAVY  
Naval Education and Training Center  
Newport, Rhode Island 06840

12 February 19CY

GENERAL COURT-MARTIAL AMENDING ORDER 1B-CY

Lieutenant Commander Ronald W. Holley, MSC, U.S. Navy, is detailed as a member of the general court-martial convened by order 1-CY, this command, dated 29 January 19CY, vice Lieutenant Commander John C. Littlefield, U.S. Navy, relieved for the case of Hospital Corpsman Second Class Donald L. Stephenson, U.S. Navy, only.

*Richard J. Anderson*

RICHARD J. ANDERSON  
Rear Admiral, U.S. Navy  
Commander, Naval Education  
and Training Center  
Newport, Rhode Island

NOTE TO STUDENT: THIS TYPE OF AMENDING ORDER IS USED TO TEMPORARILY REMOVE AN OFFICER MEMBER FROM A PREVIOUSLY ESTABLISHED GENERAL OR SPECIAL COURT-MARTIAL AND TO REPLACE THAT MEMBER WITH A NEW OFFICER MEMBER FOR A SPECIFIC CASE ONLY.

DEPARTMENT OF THE NAVY  
Naval Education and Training Center  
Newport, Rhode Island 06840

20 March 19CY

GENERAL COURT-MARTIAL AMENDING ORDER 1C-CY

The following enlisted members are detailed to the general court-martial convened by order number 1-CY, this command, dated 29 January 19CY, for the trial of Machinist's Mate Third Class Jack D. Ripper, U.S. Navy, only:

Senior Chief Radioman Dennis P. Knowles, Jr., U.S. Navy, USS JASON (AR 8);  
Chief Boiler Technician Stephen J. Barber, U.S. Navy, USS NEW JERSEY (BB 62); and  
Chief Storekeeper Cynthia L. Jacobs, U.S. Navy, Naval Submarine Base, Pearl Harbor, Hawaii.

*Richard J. Anderson*  
RICHARD J. ANDERSON  
Rear Admiral, U.S. Navy  
Commander, Naval Education  
and Training Center  
Newport, Rhode Island

NOTE TO STUDENT: THIS TYPE OF AMENDING ORDER IS USED TO ADD ENLISTED MEMBERS TO A PREVIOUSLY ESTABLISHED GENERAL OR SPECIAL COURT-MARTIAL FOR A SPECIFIC CASE ONLY.



SECTION 7

CHARGE SHEET/CHARGES AND SPECIFICATIONS

This section of the Legalman/Legal Clerk Student Study Guide contains information for the proper preparation of the charge sheet (DD Form 458) along with sample charge sheets.

## I. CHARGES & SPECIFICATIONS.

The format of charges and specifications contained in Part IV of the Manual for Courts-Martial are used to allege violations of the Code. Utilizing this format guide, charges and specifications are typed on the charge sheet (DD Form 458) in block 10.

A. The term "pleading" refers to the drafting of a formal written accusation against the accused. Its purpose is to:

- a. formally notify the accused of accusations
- b. notifies accused of nature of charge against him/her
- c. allows accused and counsel to prepare defense
- d. protects the accused from former jeopardy

B. The word "charge" merely cites an Article of the UCMJ which the accused allegedly violated.

C. The "specification" states specifically what the individual did or caused to violate under the Code.

1. As a general rule, the specification must allege all the elements of the offense and any aggravating factors which increase the maximum punishment when pleaded and proven.

2. The specification must contain jurisdictional allegations.

- Facts which show that the court has jurisdiction over the accused and the offense.

D. Numbering Charges. If there is only one charge it is not numbered. If there is more than one charge, each charge is numbered in order by Roman Numerals. (Charges are listed in chronological order (85, 86, 90, 112a etc.)

EXAMPLE: Charge I: Violation of the UCMJ, Article 86.

EXAMPLE: Charge II: Violation of the UCMJ, Article 90.

E. Charges that are pleaded after the initial charges have been preferred are called "Additional Charges" and are numbered by Roman Numerals.

EXAMPLE: Additional Charge: Violation of the UCMJ,....

EXAMPLE: Additional Charge I: Violation of the UCMJ,....

NOTE: If there is only one charge, it is NOT assigned a number.

EXAMPLE: Charge: Violation of the UCMJ,....

F. Specifications follow the same numbering format rule, except Arabic Numbers are used instead of Roman Numerals.

EXAMPLE: Specification 1: In that....

EXAMPLE: Specification 2: In that....

1. There are no "Additional Specifications".

2. If there is more than one specification under a charge, they are listed with the most recent offense first.

NOTE: If there is only one specification under a charge it is not assigned a number.

## II. FORMAT

The specification is typed using the block form in what is called "Margin to Margin" fashion. After typing the charge line, drop down two line spaces and begin typing after the pre-printed word Specification.

EXAMPLE: Charge : Violation of the UCMJ, Article....

Specification : In that.....  
.....  
.....

NOTE: Before attempting to draft a specification, always refer to the pertinent provisions of Part IV, MCM concerning elements of proof for that particular offense.

A. The following rules apply when drafting charges:

1. Although several abbreviations are authorized, the only you will use are U.S., USS, and middle names
2. No hull numbers for ships are listed; ship's names are set out with initial caps only
3. No zip codes
4. No social security numbers

B. Name and description of accused.

1. State the accused's first name, middle initial, last name. If the accused is known by more than one name, the acknowledged name of the accused will be used. The true name of the accused will be listed first followed by known aliases.

EXAMPLE: Seaman John P. Smith, U.S. Navy, alias Lieutenant Robert R. Brown, U.S. Navy.

2. State the accused's rank or grade, armed force, and unit or organization. (i.e. unit - moves/organization - stationary)

EXAMPLE: In that Seaman John P. Jones, U.S. Navy, USS Neversail.....

If the rank or grade of the accused has changed since the date of alleged offense and this is pertinent to the offense charged, identify by present rank or grade held followed by the former rank or grade.

EXAMPLE: In that Seaman John P. Jones, U.S. Navy, then Seaman Apprentice John P. Jones.....

3. The words "on active duty" are added immediately after the description of the accused to establish personal jurisdiction.

NOTE. "On active duty" or other terms, such as "on active duty for training" indicate the basis for jurisdiction of persons who are subject to the Code under Articles 2(a) and 3 of the UCMJ.

4. The date of the commission of the offense should be stated in the specification with sufficient precision to identify the offense and allow the accused to understand the act or omission to defend against.

a. In alleging the date of an offense it is proper to allege it as "on or about" a specified date.

b. The exact hour is not normally alleged except in certain absence offenses when the exact time is a necessary element to be proven. The 24 hour clock is always used. When using the hour " at or about" is proper.

EXAMPLE: In that Seaman John P. Jones, U.S. Navy, USS Neversail, on active duty, did, on or about 15 June 19CY.....

EXAMPLE: In that Seaman John P. Jones, U.S. Navy,  
USS Neversail, on active duty, did, at or  
about 0800 hours,.....

5. When the act specified extends over a period of time,  
it is proper to allege the specification in this fashion.

EXAMPLE: In that Seaman John P. Jones, U.S. Navy,  
USS Neversail, on active duty, did, from about  
15 June 19CY to about 4 November 19CY.....

In that Seaman John P. Jones, U.S. Navy,  
USS Neversail, on active duty, did, between 15  
June 19CY and 4 November 19CY.....

6. The place of the commission of the charge is stated in  
the specification with sufficient precision to identify the  
offense and allow the accused to understand the particular act or  
omission alleged. In alleging the place of the offense if you  
known exactly where the offense took place, then state so. If  
not, the term "at or near" is proper.

a. The fact that an offense occurred on base is  
usually enough for the specification.

b. Certain offenses require a specific place of duty  
which needs to be stated in the specification.

- (1) failing to go to
- (2) going from specific place of duty

EXAMPLE: In that Seaman John P. Jones, U.S. Navy,  
USS Neversail, on active duty, did, on or about  
\_\_\_\_\_, at the Navy Exchange.....

In that Seaman John P. Jones, U.S. Navy,  
USS Neversail, on active duty, did, on or about  
\_\_\_\_\_, at or near the Navy  
Exchange.....

7. Subject matter jurisdiction is alleged showing  
sufficient factors to establish jurisdiction over the offense.

NOTE: R.C.M. 203 discusses subject matter jurisdiction and  
should be consulted when drafting charges and specifications.

8. The specification must include a simple, concise  
statement of the basic facts.

a. Elements guide you in drafting specifications.

b. Elements must be either expressed or indicated by necessary implication within each specification.

c. If a specific intent, knowledge or state of mind is an element of the offense, it must be alleged.

- (1) "...and then known by the accused..."
- (2) "...with intent to deceive..."
- (3) "...having knowledge of a lawful order..."
- (4) "...with the intent to remain away permanently..."

9. If an alleged act is not itself an offense, but is made an offense by statute, regulation or custom having the effect of law, then words indicating criminality are used to describe the accused's actions. Some examples using "words of art" would be:

a. That the wearing of a uniform was not only improper, but is was unlawful.

b. That the accused's possession of a concealed weapon was unlawful.

c. That the accused's failure to pay a just debt was dishonorable.

d. That the accused wrongfully and dishonorably copied the exam of another.

e. That the absence was without authority from anyone competent to give him leave or liberty.

1. Some crimes have no need for words of art.

"Steal" automatically implies that stealing is WRONGFUL, UNLAWFUL, DISHONORABLE, or WITHOUT AUTHORITY.

2. Some offenses have to show specific intent.

Desertion - must show intent to remain away permanently.

Articles 89, 90 and 91 - must show knowledge.

C. Orders are identified in various ways in the specifications.

1. General orders - you must clearly identify specific order or regulation violated, by paragraph or article, dates, changes, sections, and number of regulation.

2. Other orders - if alleging other lawful order, it should be described verbatim in the specification.

3. Oral statements should be quoted verbatim, followed by "or words to that effect."

EXAMPLE: by saying to him, "If brains were gunpowder, you couldn't blow your nose," or words to that effect.

D. When the value of property or other amount determines maximum punishment which may be adjudged for an offense, the value or amount should be alleged.

1. of a value not less than...
2. of a value of about...
3. of some value...

E. In describing property, generic terms should be used, such as:

1. a knife
2. a watch
3. a bicycle
4. an automobile

F. When documents other than general orders are alleged the document may be copied or reproduced for inclusion in the specification. (ex. bad checks)

G. Facts which are not essential elements, but which indicate the offense to be more serious than usual are called "aggravating factors." This enables the court to increase the maximum punishment.

1. Termination by apprehension
2. Discharging a firearm in public
3. Endangering human life

H. A joint offense is an offense committed by two or more persons acting together in a common cause or intent.

EXAMPLE: In that Seaman John P. Jones, U.S. Navy, Naval Justice School, Newport, Rhode Island, on active duty, and Private First Class John A. Smith, U.S. Army, Fort Adams, Newport, Rhode Island, on active duty, acting jointly and in pursuance of a common intent did.....

NOTE: Even though you may have a joint offense, accuseds may be tried separately.

I. A common trial is a trial of two or more persons at one trial who committed closely related offenses (not jointly) at the same time and place and which are provable by the same evidence.

Such as persons participating in a riot, but not acting with a common cause or intent. The same evidence may convict each accused.

### III. ERRORS IN CHARGES AND SPECIFICATIONS.

#### A. Non-fatal errors.

1. Clerical errors which do not affect the charge or specification in such a way that they invalidate either one and which can be corrected by trial counsel with or without the court's approval, such as:

- a. misspelling
- b. typo
- c. unauthorized abbreviation
- d. alleging hull number
- e. using SSN

2. Procedural errors do not affect the charge or specification in such a way that they invalidate either one, but are subject to correction by the court to correct them, such as:

- a. alleging the wrong article of the UCMJ
- b. failing to allege any article

#### B. Fatal errors.

Errors which may invalidate the specification in such a way that the proceedings or findings are declared illegal either by the court or reviewing authorities are substantive errors.

a. Specification which fails to allege the elements of the offense.

b. Drafting a specification (for example) UA and leaving out the words "without authority".

c. Specification which properly alleges an offense, but is vague or ambiguous in the factual allegations; lacks specificity.

C. Once a charge and specification have been preferred, relatively minor amendments may be made.

1. Pen-and-ink corrections to specifications, even at the last minute before trial, are not uncommon.

2. There are, however, limitations placed on amendments to pleadings:

a. The amendment must not change a specification that fails to allege an offense into one that does.

b. The amendment must not change the offense alleged into a different offense other than a lesser included one.

c. The amendment cannot change the date of the offense to correct a problem with the statute of limitations.



D. A FINAL WORD ABOUT STYLE. Never be intimidated by "saids" and "to wits." The purpose of pleading is to draft a legally sufficient and understandable accusation that will inform the accused of the charges and specifications against him/her, enable the accused to prepare a defense, and protect the accused against former jeopardy. It is the substance of the pleading, not its literary style that determines its quality.

IV. COMMON TERMS.

Parties - those persons who can commit an offense.

Principles - one who actually commits the offense.

Aider and Abettor - one who helps in committing the offense.

Accessory before - one who counsels prior to the commission of the crime. Need not be present at crime scene.

Accessory after - less serious - maximum punishment 1/2 as relates to confinement.

**CHARGE SHEET**

**I. PERSONAL DATA**

1. NAME OF ACCUSED (Last, First, MI) <b>LEE, Crumb B.</b>			2. SSN <b>110-12-3456</b>	3. GRADE OR RANK <b>LTJG</b>	4. PAY GRADE <b>0-2</b>
5. UNIT OR ORGANIZATION <b>USS HIGHLINE (FF 123)</b>				6. CURRENT SERVICE	
				a. INITIAL DATE <b>15 Jan 84</b>	b. TERM <b>Indef</b>
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED  <b>None</b>	9. DATE(S) IMPOSED  <b>N/A</b>	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL			
<b>\$1,740.00</b>	<b>None</b>	<b>\$1,740.00</b>			

**II. CHARGES AND SPECIFICATIONS**

10. CHARGE: **VIOLATION OF THE UCMJ, ARTICLE 92.**

SPECIFICATION: **In that Lieutenant Junior Grade Crumb B. Lee, U.S. Navy, USS Highline, on active duty, who knew of his duties on board USS Highline, on or about 16 June 1986, was derelict in the performance of those duties in that he negligently failed to properly inspect and record temperature readings of Ordnance Magazines on board USS Highline, as it was his duty to do.**

**III. PREFERRAL**

11a. NAME OF ACCUSER (Last, First, MI) <b>ROBERTS, Willie M.</b>	b. GRADE <b>LT, USN</b>	c. ORGANIZATION OF ACCUSER <b>USS HIGHLINE (FF 123)</b>
d. SIGNATURE OF ACCUSER <i>Willie M. Roberts</i>		e. DATE <b>1 August 1986</b>

**AFFIDAVIT:** Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 1st day of August, 19 86, and signed the foregoing charges and specifications under oath that he/~~she~~ is a person subject to the Uniform Code of Military Justice and that he/~~she~~ either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/~~her~~ knowledge and belief.

Woodrow E. Wilson  
*Typed Name of Officer*

USS HIGHLINE (FF 123)  
*Organization of Officer*

LCDR, JAGC, USN  
*Grade*

Staff Judge Advocate

*Official Capacity to Administer Oath  
(See R.C.M. 307(b)—must be commissioned officer)*

*Woodrow E. Wilson*  
*Signature*

12. On 2 August, 1986, the accused was informed of the charges against him/~~her~~ and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

John E. Command  
Typed Name of Immediate Commander

USS HIGHLINE (FF 123)  
Organization of Immediate Commander

CAPT, USN

John E. Command  
Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1100 hours, 2 August 1986 at USS HIGHLINE (FF 123)  
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (Sec R.C.M. 403)

~~XXXXXX~~

John E. Command  
Typed Name of Officer

Commanding Officer  
Official Capacity of Officer Signing

CAPT, USN

John E. Command  
Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY <u>USS HIGHLINE (FF 123)</u>	b. PLACE	c. DATE <u>4 August 1986</u>
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Referred for trial to the special court-martial convened by Special Court-Martial Convening Order 3-86 of 1 August 1986, as amended by Special Court-Martial Amending Order 3A-86 of 2 August 1986, subject to the following instructions:<sup>2</sup> None.

~~XXXX~~ Command or Order ~~XX~~

John E. Command  
Typed Name of Officer

Commanding Officer  
Official Capacity of Officer Signing

CAPT, USN

John E. Command  
Signature

15. On 4 August, 1986, I ~~(insert name)~~ served a copy hereof on ~~(insert name)~~ the above named accused.

Joe E. Lawyer  
Typed Name of Trial Counsel

LCDR, JAGC, USNR  
Grade or Rank of Trial Counsel

Joe E. Lawyer  
Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
2 - See R.C.M. 601(e) concerning instructions. If none, so state.

## CHARGE SHEET

### I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) LOWLIFE, Jerry P.			2. SSN 921-62-7575		3. GRADE OR RANK SN	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION Naval Air Station Oceana, Virginia Beach, Virginia					6. CURRENT SERVICE	
					7. INITIAL DATE 3 Apr 85	8. TERM 4 yrs
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED Restriction Confinement		9. DATE(S) IMPOSED 27-28 June 1986 30 June 1986	
a. BASIC \$772.10	b. SEA/FOREIGN DUTY N/A	c. TOTAL \$772.10				

### II. CHARGES AND SPECIFICATIONS

10. CHARGE: I: VIOLATION OF THE UCMJ, ARTICLE 86.

Specification 1: In that Seaman Jerry P. Lowlife, U.S. Navy, Naval Air Station Oceana, Virginia Beach, Virginia, on active duty, did, on or about 1 June 1986, without authority, absent himself from his organization, to wit: Naval Air Station Oceana, located at Virginia Beach, Virginia, and did remain so absent until on or about 27 June 1986.

Specification 2: In that Seaman Jerry P. Lowlife, U.S. Navy, Naval Air Station Oceana, Virginia Beach, Virginia, on active duty, did, at or about 0800 hours, 29 June 1986, without authority, absent himself from his organization, to wit: Naval Air Station Oceana, located at Virginia Beach, Virginia, and did remain so absent until he was apprehended at or about 0625 hours, 30 June 1986.

Charge II: Violation of the UCMJ, Article 121.

Specification: In that Seaman Jerry P. Lowlife, U.S. Navy, Naval Air Station Oceana, Virginia Beach, Virginia, on active duty, did, at Naval Air Station Oceana, Virginia Beach, Virginia, on or about 26 June 1986, steal a wristwatch, of a value of about \$60.00, the property of Seaman Danny P. Green, U.S. Naval Reserve.

See continuation sheet.

### III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) RICHARDS, Jonathan E.		b. GRADE LT, USN	c. ORGANIZATION OF ACCUSER Naval Air Station Oceana, Virginia Beach, Virginia
d. SIGNATURE OF ACCUSER <i>Jonathan E. Richards</i>			e. DATE 1 August 1986

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 1st day of August, 19 86, and signed the foregoing charges and specifications under oath that he/~~she~~ is a person subject to the Uniform Code of Military Justice and that he/~~she~~ either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/~~her~~ knowledge and belief.

Will M. Wilson

*Typed Name of Officer*

Naval Air Station Oceana,  
Virginia Beach, Virginia

*Organization of Officer*

Lieutenant, U.S. Navy

*Grade*

Legal Officer

*Official Capacity to Administer Oath  
(See R.C.M. 307(b) - must be commissioned officer)*

*Will M. Wilson*

*Signature*

12.

On 2 August, 19 86, the accused was informed of the charges against him ~~and~~ and of the name(s) of the accuser(s) known to me (See R.C.M. 305 (a)). (See R.C.M. 308 if notification cannot be made.)

What A. Trip  
Typed Name of ~~Legal Clerk~~ Legal Clerk

Naval Air Station Oceana,  
Virginia Beach, Virginia  
Organization of Immediate Commander

Yeoman First Class, U.S. Navy

Grade  
What A. Trip  
Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1100 hours, 2 August 19 86 at Naval Air Station Oceana,  
Designation of Command or

Virginia Beach, Virginia  
Officer Exercising Summary Court-Martial Jurisdiction (Sec R.C.M. 403)

FOR THE Commanding Officer

Jack N. Jill  
Typed Name of Officer

Executive Officer  
Official Capacity of Officer Signing

Commander, U.S. Navy  
Grade

Jack N. Jill  
Signature

V. REFERRAL: SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY  
Naval Air Station Oceana

b. PLACE  
Virginia Beach, Virginia

c. DATE  
7 August 1986

Referred for trial to the special court-martial convened by Special Court-Martial Convening Order 1-86 of

1 August 19 86, subject to the following instructions:<sup>2</sup> None.

By Command or Order rk

Carl E. Nevins  
Typed Name of Officer

Commanding Officer  
Official Capacity of Officer Signing

Captain, U.S. Navy  
Grade

Carl E. Nevins  
Signature

15.

On 8 August, 19 86, I ~~(insert name)~~ served a copy hereof on ~~(insert name)~~ the above named accused.

Hamilton Burger  
Typed Name of Trial Counsel

Lieutenant, Judge Advocate General's Corps  
U.S. Navy  
Grade or Rank of Trial Counsel

Hamilton Burger  
Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
2 - See R.C.M. 601(e) concerning instructions. If none, so state.

DD Form 458, LOWLIFE, Jerry P., SN, USN, 921-62-7575,  
Naval Air Station Oceana, Virginia Beach, Virginia:

Block 10, Continued...

Charge III: Violation of the UCMJ, Article 123a.

Specification: In that Seaman Jerry P. Lowlife, U.S. Navy,  
Naval Air Station Oceana, Virginia Beach, Virginia, on active  
duty, did, at Naval Air Station Oceana, Virginia Beach, on or  
about 2 June 1986, with intent to defraud and for the procurement  
of lawful currency, wrongfully and unlawfully make a certain  
check for the payment of money upon the Bank of America, in words  
and figures as follows, to wit:

JERRY P. LOWLIFE 921-62-7575 143 Lover Lane Portsmouth, RI 02841	2401 <i>2 June</i> 19 <i>86</i>
Pay to the Order of <i>AMEX</i>	\$ <i>50</i>
<i>fifty and no/100</i>	Dollars
Bank of America San Francisco, CA	<i>Jerry P. Lowlife</i>

BACK SIDE OF CHECK

then knowing that he, the maker thereof, did not or would not  
have sufficient funds in or credit with such bank for the payment  
of the said check in full upon presentment.

## CHARGE SHEET

### I. PERSONAL DATA

1. NAME OF ACCUSED ( <i>Last, First, MI</i> ) <b>LOWLIFE, Jerry P.</b>			2. SSN <b>921-62-7575</b>		3. GRADE OR RANK <b>SN</b>	4. PAY GRADE <b>E-3</b>
8. UNIT OR ORGANIZATION <b>Naval Air Station Oceana, Virginia Beach, Virginia</b>					6. CURRENT SERVICE	
					a. INITIAL DATE <b>3 Apr 85</b>	b. TERM <b>4 yrs</b>
7. PAY PER MONTH			3. NATURE OF RESTRAINT OF ACCUSED  <b>Restriction Confinement</b>		9. DATE(S) IMPOSED  <b>27-28 June 1986 30 June 1986</b>	
a. BASIC <b>\$772.10</b>	b. SEA/FOREIGN DUTY <b>N/A</b>	c. TOTAL <b>\$772.10</b>				

### II. CHARGES AND SPECIFICATIONS

10. CHARGE: I: VIOLATION OF THE UCMJ, ARTICLE 86.

**SPECIFICATION:** In that Seaman Jerry P. Lowlife, U.S. Navy, Naval Air Station Oceana, Virginia Beach, Virginia, on active duty, did, at Naval Air Station Oceana, Virginia Beach, Virginia, at or about 0645 hours, 10 August 1986, without authority, fail to go at the time prescribed to his appointed place of duty, to wit: the Enlisted Dining Facility, U.S. Navy Brig.

**Additional Charge II:** Violation of the UCMJ, Article 128.

**Specification 1:** In that Seaman Jerry P. Lowlife, U.S. Navy, Naval Air Station Oceana, Virginia Beach, Virginia, on active duty, did, at Naval Air Station Oceana, Virginia Beach, Virginia, on or about 10 August 1986, assault Seaman Wimpy Squid, U.S. Navy, by throwing a shoe at him.

**Specification 2:** In that Seaman Jerry P. Lowlife, U.S. Navy, Naval Air Station Oceana, Virginia Beach, Virginia, on active duty, did, at Naval Air Station Oceana, Virginia Beach, Virginia, on or about 11 August 1986, unlawfully strike Seaman E. Z. Targette, U.S. Navy, on the shoulders and arms with his fists.

### III. PREFERRAL

11a. NAME OF ACCUSER ( <i>Last, First, MI</i> ) <b>RICHARDS, Jonathan E.</b>		b. GRADE <b>LT, USN</b>	c. ORGANIZATION OF ACCUSER <b>NAS Oceana, Virginia Beach, VA</b>
d. SIGNATURE OF ACCUSER <i>Jonathan E. Richards</i>			e. DATE <b>11 August 1986</b>

**AFFIDAVIT:** Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 11th day of August, 1986, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Will M. Wilson  
*Typed Name of Officer*

NAS Oceana, Virginia Beach, VA  
*Organization of Officer*

LT, USN  
*Grade*

Legal Officer  
*Official Capacity to Administer Oath  
(See R.C.M. 307(b)—must be commissioned officer)*

*Will M. Wilson*  
*Signature*

12-  
On 12 August, 19 86, the accused was informed of the charges against him/~~her~~ and of the name(s) of the accused/~~s~~ known to me (See R.C.M. 305 (a)). (See R.C.M. 308 if notification cannot be made.)

Jack N. Jill NAS Oceana, Virginia Beach, VA  
Typed Name of ~~XXXXXXXXXXXX~~ Executive Officer Organization of Immediate Commander

CDR, USN

Jack N. Jill  
Grade Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.  
The sworn charges were received at 1100 hours, 12 August 19 86 at NAS Oceana, Virginia Beach,  
Designation of Command or

VA  
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

Carl E. Nevins  
Typed Name of Officer

XXXXXXXXXX  
Commanding Officer Official Capacity of Officer Signing

CAPT, USN

Carl E. Nevins  
Grade Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY  
NAS Oceana

b. PLACE  
Virginia Beach, VA

c. DATE  
17 August 1986

Referred for trial to the special court-martial convened by Special Court-Martial Convening Order 1-86 of

1 August 19 86, subject to the following instructions:<sup>2</sup> These additional  
charges are to be tried with the charges referred on 7 August 1986.

By XXXXXXXXXX mk  
Command or Order

Carl E. Nevins  
Typed Name of Officer

XXXXXXXXXX  
Commanding Officer Official Capacity of Officer Signing

CAPT, USN

Carl E. Nevins  
Grade Signature

15.  
On 18 August, 19 86, I (~~crossed to her~~) served a copy hereof on (~~XXXXXX~~) the above named accused.

Hamilton Burger  
Typed Name of Trial Counsel

LT, JAGC, USN  
Grade or Rank of Trial Counsel

Hamilton Burger  
Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
2 - See R.C.M. 601(e) concerning instructions. If none, so state.



12.  
On 2 March, 19 86, the accused was informed of the charges against ~~him~~/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

Billy B. Bob  
Typed Name of Immediate Commander

Naval Station, Norfolk, Virginia  
Organization of Immediate Commander

Lieutenant Commander, U.S. Naval Reserve

Billy B. Bob  
Grade  
Signature

**IMMEDIATE COMMANDER INFORMS ACCUSED PERSONALLY.**

12.  
On 2 January, 19 86, the accused was informed of the charges against ~~him~~/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

Richard A. Great  
Typed Name of Legal Officer

USS CAROLINA (FF 683)  
Organization of Immediate Commander

LT, USN

Richard A. Great  
Grade  
Signature

**LEGAL OFFICER IS DELEGATED BY THE IMMEDIATE COMMANDER TO INFORM THE ACCUSED OF THE CHARGES.**

12.  
On 2 August, 19 86, the accused was informed of the charges against him and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

What A. Day  
Typed Name of Legalman

NAVSTA, Norfolk, VA  
Organization of Immediate Commander

LNC, USN

What A. Day  
Grade  
Signature

**LEGALMAN IS DELEGATED BY THE IMMEDIATE COMMANDER TO INFORM THE ACCUSED OF THE CHARGES.**

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1440 hours, 2 January 1986 at USS CAROLINA (FF 683)  
*Designation of Command or*

*Officer Exercising Summary Court-Martial Jurisdiction (Sec R.C.M. 403)*

We R. Good

*Typed Name of Officer*

CAPT, USN

*Grade*

*We R. Good*

*Signature*

~~###/###~~

Commanding Officer

*Official Capacity of Officer Signing*

**SUMMARY COURT-MARTIAL CONVENING AUTHORITY ACTUALLY RECEIVES THE CHARGES AND SIGNS FOR THE CHARGE SHEET.**

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1120 hours, 2 August 1986 at NAVSTA, Norfolk, VA  
*Designation of Command or*

*Officer Exercising Summary Court-Martial Jurisdiction (Sec R.C.M. 403)*

Jack N. Jill

*Typed Name of Officer*

CDR, USNR

*Grade*

*Jack N. Jill*

*Signature*

FOR THE Commanding Officer

Executive Officer

*Official Capacity of Officer Signing*

**THE EXECUTIVE OFFICER RECEIVES THE CHARGES FOR THE SUMMARY COURT-MARTIAL CONVENING AUTHORITY AND SIGNS FOR THEM.**

V. REFERRAL: SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY USS CAROLINA (FF 683)	b. PLACE	c. DATE 5 January 1986
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Referred for trial to the general court-martial convened by General Court-Martial Convening Order 1-86 of

1 January 19 86, subject to the following instructions:<sup>2</sup> This case is referred as noncapital.

Command or Order

We R. Good  
Typed Name of Officer

Commanding Officer  
Official Capacity of Officer Signing

CAPT, USN  
Grade

*We R. Good*  
Signature

**REFERRED TO GENERAL COURT-MARTIAL WITH NO AMENDING COURT-MARTIAL ORDER.  
THESE ARE SPECIAL INSTRUCTIONS TO REFER THE CASE AS NONCAPITAL.**

V. REFERRAL: SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY Naval Support Activity	b. PLACE Naples, Italy	c. DATE 4 August 1986
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Referred for trial to the special court-martial convened by Special Court-Martial Convening Order 2-86 of 3 June 1986, as amended by Special Court-Martial Amending Order 2A-86 of 29 June 1986, and as amended by Special Court-Martial Amending Order 2B-86 of 30 June 19 86, subject to the following instructions:<sup>2</sup> None.

Command or Order

John E. Command  
Typed Name of Officer

Commanding Officer  
Official Capacity of Officer Signing

Captain, U.S. Navy  
Grade

*John E. Command*  
Signature

**REFERRED TO SPECIAL COURT-MARTIAL WITH TWO AMENDING COURT-MARTIAL ORDERS.  
THERE ARE NO SPECIAL INSTRUCTIONS.**

18. On 15 July, 1987, I [redacted] served a copy hereof on [redacted] the above named accused.

Hamilton Burger LT, JAGC, USN  
Typed Name of Trial Counsel Grade or Rank of Trial Counsel

Hamilton Burger  
Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
 2 - See R.C.M. 601(e) concerning instructions. If none, so state.

DD Form 458 Reverse, 84 AUG

**TRIAL COUNSEL SERVED COPY OF CHARGES TO ACCUSED AND HE SIGNED.**

15. On 8 August, 1986, I (caused to be) served a copy hereof on [redacted] the above named accused.

Hamilton Burger LT, JAGC, USN  
Typed Name of Trial Counsel Grade or Rank of Trial Counsel

Hamilton Burger  
Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
 2 - See R.C.M. 601(e) concerning instructions. If none, so state.

DD Form 458 Reverse, 84 AUG

**TRIAL COUNSEL ASKED LEGAL CLERK TO SERVE A COPY OF THE CHARGES ON THE ACCUSED. TRIAL COUNSEL SUBSEQUENTLY SIGNED THE SERVICE SECTION.**

15. On 21 September, 1988, I [redacted] served a copy hereof on [redacted] the above named accused.

Eye M. Legal LN2, USN  
Typed Name of [redacted] Legalman Grade or Rank of [redacted] Legalman

Eye M. Legal  
Signature By direction of LT Hamilton Burger, JAGC, USN, Trial Counsel

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
 2 - See R.C.M. 601(e) concerning instructions. If none, so state.

DD Form 458 Reverse, 84 AUG

**TRIAL COUNSEL DIRECTED THE LEGALMAN TO SERVE A COPY OF THE CHARGES ON THE ACCUSED. LEGALMAN SUBSEQUENTLY SIGNED THE SERVICE SECTION OF THE CHARGE SHEET BY DIRECTION OF THE TRIAL COUNSEL.**

V. REFERRAL: SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY NAS, Cecil Field	b. PLACE Jacksonville, FL	c. DATE 5 August 1986
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Referred for trial to the Summary court-martial convened by Summary Court-Martial Convening Order 30-86 of

5 August 19 86, subject to the following instructions:<sup>2</sup> Only officer present  
in command.

BY \_\_\_\_\_ XOF \_\_\_\_\_  
Command or Order

All A. Lone  
Typed Name of Officer

Commanding Officer  
Official Capacity of Officer Signing

CDR, USN  
Grade

All A. Lone  
Signature

15. On 7 August 19 86, I (~~XXXXXX~~) served a copy hereof on (~~XXXXXX~~) the above named accused.

All A. Lone  
Typed Name of ~~XXXXXX~~ Summary Court-Martial

CDR, USN  
Grade or Rank of ~~XXXXXX~~ Summary Court-Martial

All A. Lone  
Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
2 - See R.C.M. 601(e) concerning instructions. If none, so state.

DD Form 458 Reverse, 84 AUG

**REFERRED TO A SUMMARY COURT-MARTIAL.  
SPECIAL INSTRUCTION STATING THAT THE CONVENING AUTHORITY IS THE  
ONLY OFFICER IN THE COMMAND AND HE IS ALSO THE SUMMARY COURT.**

**SUMMARY COURT-MARTIAL OFFICER SERVED COPY OF CHARGES TO ACCUSED  
AND HE SIGNED.**

SECTION 8

ARTICLES 85, 86 AND 87, UCMJ

This section of the Legalman/Legal Clerk Student Study Guide contains sample specification formats for Articles 85, 86 and 87.

ARTICLE 85

DESERTION

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 85.

Specification: In the Yeoman Second Class Runyon A. Way, U.S. Navy, Naval Station, Philadelphia, Pennsylvania, on active duty, did, on or about 1 January 1986, without authority and with intent to remain away therefrom permanently, absent himself from his organization, to wit: Naval Station, located at Philadelphia, Pennsylvania, and did remain so absent in desertion until he was apprehended on or about 9 October 1991.

ARTICLE 86(1)

FAILING TO GO TO APPOINTED PLACE OF DUTY

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 86

Specification: In that Seaman Bullwinkle J. Moose, U.S. Navy, USS Pottsylvania, on active duty, did, on board USS Pottsylvania, at sea, at or about 0600 hours, 3 September 1991, without authority, fail to go at the time prescribed to his appointed place of duty, to wit: Restricted men's muster on the fantail.

ARTICLE 86(1)

GOING FROM APPOINTED PLACE OF DUTY

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 86

Specification: In that Seaman Bilba Biggins, U.S. Navy, USS Mondor, on active duty, did, on board USS Mondor, located at Naval Station Possumtrot, Louisiana, at or about 1500 hours, 3 September 1991, without authority, go from her appointed place of duty, to wit: Ship's post office.

ARTICLE 86(2)

ABSENCE FROM UNIT, ORGANIZATION OR PLACE OF DUTY

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 86

Specification: In that Seaman Over D. Hill, U.S. Navy, USS Bounty, on active duty, did, on or about 6 May 1991, without authority, absent himself from his unit, to wit: USS Bounty, located at Naval Station, San Diego, California, and did remain so absent until he was apprehended on or about 6 August 1991.



ARTICLE 87

MISSING MOVEMENT

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 87

Specification: In that Fireman Stokes D. Blaze, U.S. Navy, USS Puddlestopped, on active duty, did, at Naval Station, Mayport, Florida, on or about 12 November 1991, through design, miss the movement of USS Puddlestopped with which he was required in the course of duty to move.

NOTE: "Through neglect" may be substituted for "through design" if there is no evidence showing the accused intended to miss the movement.

SECTION 9

ARTICLES 112a, 121 AND 134, UCMJ

This section of the Legalman/Legal Clerk Student Study Guide contains sample specification formats for Articles 112a, 121 and 134.

ARTICLE 112a

DRUG OFFENSES

Sample Specifications

Charge: Violation of the Uniform Code of Military Justice,  
Article 112a.

Specification 1: In that Yeoman First Class Michael D. Angelo, U.S. Navy, Naval Education and Training Center, Newport, Rhode Island, on active duty, did, at Naval Education and Training Center, Newport, Rhode Island, on or about 1 January 1991, wrongfully possess 426 grams, more or less, of marijuana.

Specification 2: In that Yeoman First Class Michael D. Angelo, U.S. Navy, Naval Education and Training Center, Newport Rhode Island, on active duty, did, at Naval Education and Training Center, Newport, Rhode Island, on or about 1 January 1991, wrongfully possess 3 grams of mescaline.

WRONGFUL INTRODUCTION

Specification 3: In that Yeoman First Class Michael D. Angelo, U.S. Navy, Naval Education and Training Center, Newport, Rhode Island, on active duty, did, at Naval Education and Training Center, Newport, Rhode Island, on or about 2 January 1991, wrongfully introduce 400 grams of marijuana onto a vessel used by the armed forces or under the control of the armed forces, to wit: USS Saratoga.

WRONGFUL USE

Specification 4: In that Yeoman First Class Michael D. Angelo, U.S. Navy, Naval Education and Training Center, Newport, Rhode island, on active duty, did, at Naval Education and Training Center, Newport, Rhode Island, on or about 3 January 1991, wrongfully use marijuana.

NOTE: These four specifications are the most common specifications you will be required to draft. Specification 1 can be amended to allege wrongful manufacture or distribution.

ARTICLE 121

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 121

Specification: In that Seaman Clarence C. Stickeyfingers, U.S. Navy, USS Valentine, on active duty, did, on board USS Valentine, at sea, on or about 25 September 1991, steal \$300.00, U.S. currency, the property of Commander Bertram N. Erny, U.S. Navy.

ARTICLE 121

LARCENY OF MORE THAN ONE ITEM

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 121

Specification: In that Seaman Eye T. Lightfingers, U.S. Navy, USS Afloat, on active duty, did, at Naval Justice School, Newport, Rhode Island, on or about 2 October 1991, steal a purse, of a value of about \$10.00; a toy rubber duck, of a value of about \$5.00; and military identification card, of a value of about \$1.00, of a total value of about \$16.00, the property of Seaman Renatta L. Shumway, U.S. Navy.

ARTICLE 134

Sample Specification

Charge: Violation of the uniform Code of Military Justice,  
Article 134

Specification: In that Seaman Eye T. Lightfingers, U.S. Navy, USS Afloat, on active duty, did, at Naval Justice School, Newport, Rhode Island, on or about 29 November 1991, wrongfully communicate to Seaman Dwayne J. Smith, U.S. Navy, a threat to injure the said Seaman Smith by stating "I'm going to kill you," or words to that effect.

ARTICLE 134

DISORDERLY CONDUCT, DRUNKENNESS

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 134.

Specification: In that Seaman Rue D. Toot, U.S. Navy, Naval Justice School, Newport, Rhode Island, on active duty, was, at Middletown, Rhode Island, on or about 19 September 1991, disorderly, which conduct was of a nature to bring discredit upon the armed forces.

NOTE: Conduct constituting a flouting of military authority and an offense of a peculiarly military nature not among those traditionally prosecuted in civilian courts of criminal jurisdiction.

SECTION 10

ARTICLES 89, 90, 91 AND 92, UCMJ

This section of the Legalman/Legal Clerk Student Study Guide contains sample specification formats for Articles 89, 90, 91 and 92.

ARTICLE 89

DISRESPECT TO A SUPERIOR COMMISSIONED OFFICER

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 89.

Specification: In that Private Mel Content, U.S. Marine Corps, Marine Barracks, Charleston, South Carolina, on active duty, did, at Naval Base, Charleston, South Carolina, on or about 10 December 19CY, behave himself with disrespect toward General I. M. Comsix, U.S. Marine Corps, his superior commissioned officer, then known by the said Private Mel Content, U.S. Marine Corps, to be his superior commissioned officer, by saying to him, "Hey stupid, can't you read? I don't care if you are some big-shot General. That stop sign at the gate applies to you too, dummy," or words to that effect.

ARTICLE 90

WILLFUL DISOBEDIENCE OF SUPERIOR COMMISSIONED OFFICER

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 90.

Specification: In that First Lieutenant Real E. Tough, U.S. Marine Corps, Naval Justice School, Newport, Rhode Island, on active duty, having received a lawful command from Captain Kill R. Instinct, U.S. Marine Corps, his superior commissioned officer, then know by the said First Lieutenant Real E. Tough, U.S. Marine Corps, to be his superior commissioned officer, to "get into the truck," or words to that effect, did, at Naval Education and Training Center, Newport, Rhode Island, on or about 3 April 19CY, willfully disobeyed the same.

ARTICLE 91

DISRESPECTFUL CONDUCT TOWARD WO, NCO, OR PO

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 91.

Specification: In that Yeoman Third Class Brigat Striker, U.S. Navy, USS Little Compton, on active duty, on board USS Little Compton, at sea, on or about 15 November 19CY, was disrespectful in language toward Chief Yeoman Dirk T. Oldman, U.S. Navy, a chief petty officer, then known by the said Yeoman Third Class Striker, to be a superior chief petty officer, who was then in the execution of his office, by saying to him, "Chief, you're an overbearing, obnoxious, stupid Nazi," or words to that effect.

ARTICLE 91

DISOBEYING A WO, NCO, OR PO

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 91.

Specification: In that Seaman Simon N. Sezz, U.S. Navy, USS Tubb, on active duty, having received a lawful order from Yeoman First Class Roger Dodger, U.S. Navy, a first class petty officer, then known by the said Seaman Sezz, to be a superior petty officer, to empty the waste basket, an order which it was his duty to obey, did, on board USS Tubb, at sea, on or about 13 May 19CY, willfully disobey the same.



ARTICLE 92(1)

VIOLATION OF A GENERAL ORDER OR REGULATION

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 92.

Specification: In that Seaman Ivan W. Harper, U.S. Navy, USS Seagram, on active duty, did, on board USS Seagram, at sea, on or about 15 July 19CY, violate a lawful general regulation, to wit: Article 1150, U.S. Navy Regulations, dated 26 February 1973, by wrongfully possessing alcoholic liquors for beverage purposes.

ARTICLE 92(2)

VIOLATION OF OTHER LAWFUL ORDERS

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 92.

Specification: In that Seaman Eaton E. Ternally, U.S. Navy, USS Tubb, on active duty, having knowledge of a lawful order issued by the Commanding Officer, USS Tubb, to wit: Paragraph 3d(3), USS Tubb Instruction 1020.3E, dated 5 June 1982, which states, in part, "no personnel shall possess, store, or consume food in the berthing spaces," an order it was his duty to obey, did, on board USS Tubb, at sea, on or about 8 August 19CY, fail to obey the same by possessing food in his berthing space.

ARTICLE 92(3)

DERELICTION OF DUTY

Sample Specification

Charge: Violation of the Uniform Code of Military Justice,  
Article 92.

Specification: In that Private First Class Lute N. Pillage, U.S. Marine Corps, Company A, 1st Battalion, 9th Marines, 3d Marine Division, Fleet Marine Force Pacific, on active duty, who knew of his duties at Camp Fuji, Japan, on or about 20 November 19CY, to clean and maintain in serviceable condition the M-16 rifle in his custody, was derelict in the performance of his duty, in that he negligently failed to perform routine inspection and cleaning on said rifle, as it was his duty to do, thereby permitting it to become unserviceable.

SECTION 11

ARTICLE 32 PRETRIAL INVESTIGATIONS AND ARTICLE 34 ADVICE

This section of the Legalman/Legal Clerk Student Study Guide contains information and samples relative to Article 32 pretrial investigations and Article 34 advice.

DEPARTMENT OF THE NAVY  
Naval Justice School  
Newport, Rhode Island 02841-5030

22 August 19CY

In accordance with R.C.M., MCM, 1984, Lieutenant Commander Pretrial I. Officer, JAGC, U.S. Navy, is hereby appointed to investigate the attached charges preferred against Seaman Watt A Accused, U.S. Navy. The charge sheet and allied papers are appended hereto. The investigating officer will be guided by the provisions of R.C.M. 405, MCM, 1984, and current case law relating to the conduct of pretrial investigations. In addition to the investigating officer hereby appointed, the following personnel are detailed to the investigation for the purposes indicated:

COUNSEL FOR THE GOVERNMENT

Lieutenant I. Will Convictim, JAGC, U.S. Navy, certified in accordance with Article 27(b), Uniform Code of Military Justice;

DEFENSE COUNSEL

Lieutenant I. Gettum Off, JAGC, U.S. Naval Reserve, certified in accordance with Article 27(b), Uniform Code of Military Justice.

*Convening T. Authority*  
CONVENING T. AUTHORITY  
Captain, JAGC, U.S. Navy  
Commanding Officer  
Naval Justice School  
Newport, Rhode Island

SAMPLE APPOINTING ORDER FOR  
(ART.32) PRETRIAL INVESTIGATION

DEPARTMENT OF THE NAVY  
Naval Justice School  
Newport, Rhode Island 02841-5030

2 Sep CY

FIRST ENDORSEMENT on LCDR Pretrial I. Officer, JAGC, USN,  
Investigating Officer's Report of 30 Aug CY

From: Commanding Officer, Naval Justice School, Newport  
To: Commander, Naval Education and Training Center, Newport

Subj: ARTICLE 32 INVESTIGATION ICO SN WATT A. ACCUSED, U.S.  
NAVY, 123-45-6789

1. Forwarded.
2. Recommend trial by general court-martial.

*Convening Authority*  
CONVENING T. AUTHORITY

**INVESTIGATING OFFICER'S REPORT**

*(Of Charges Under Article 32, UCMJ and R.C.M. 405, Manual for Courts-Martial)*

<b>1a. FROM:</b> <i>(Name of Investigating Officer - Last, First, MI)</i> OFFICER, Pretrial I.	<b>b. GRADE</b> LCDR, JAGC, USN	<b>c. ORGANIZATION</b> Naval Justice School Newport, Rhode Island	<b>d. DATE OF REPORT</b>  30 Aug CY
<b>2a. TO:</b> <i>(Name of Officer who directed the Investigation - Last, First, MI)</i> AUTHORITY, Convening T.	<b>b. TITLE</b>  Commanding Officer		<b>c. ORGANIZATION</b>  Naval Justice School Newport, Rhode Island
<b>3a. NAME OF ACCUSED</b> <i>(Last, First, MI)</i> ACCUSED, Watt A.	<b>b. GRADE</b> SN, USN	<b>c. SSN</b>  123-45-6789	<b>d. DATE OF CHARGES</b>  20 Aug CY

*(Check appropriate answer)*

<b>4. IN ACCORDANCE WITH ARTICLE 32, UCMJ, AND R.C.M. 405, MANUAL FOR COURTS-MARTIAL, I HAVE INVESTIGATED THE CHARGES APPENDED HERETO (Exhibit 1)</b>	<b>YES</b>	<b>NO</b>
	X	
<b>5. THE ACCUSED WAS REPRESENTED BY COUNSEL (If not, see 9 below)</b>	X	
<b>6. COUNSEL WHO REPRESENTED THE ACCUSED WAS QUALIFIED UNDER R.C.M. 405(d)(2), 502(d)</b>	X	

<b>7a. NAME OF DEFENSE COUNSEL</b> <i>(Last, First, MI)</i> OFF, I. Gettum	<b>b. GRADE</b> LT, JAGC,	<b>8a. NAME OF ASSISTANT DEFENSE COUNSEL</b> <i>(If any)</i> USNR N/A	<b>b. GRADE</b> N/A
<b>c. ORGANIZATION</b> <i>(If appropriate)</i> Naval Legal Service Office Newport, Rhode Island		<b>c. ORGANIZATION</b> <i>(If appropriate)</i>  N/A	
<b>d. ADDRESS</b> <i>(If appropriate)</i>  N/A		<b>d. ADDRESS</b> <i>(If appropriate)</i>  N/A	

**9. I signed by accused if accused waives counsel. If accused does not sign, investigating officer will explain in detail in Item 21.**

<b>a. PLACE</b> N/A	<b>b. DATE</b> N/A
------------------------	-----------------------

I HAVE BEEN INFORMED OF MY RIGHT TO BE REPRESENTED IN THIS INVESTIGATION BY COUNSEL, INCLUDING MY RIGHT TO CIVILIAN OR MILITARY COUNSEL OF MY CHOICE IF REASONABLY AVAILABLE. I WAIVE MY RIGHT TO COUNSEL IN THIS INVESTIGATION.

**c. SIGNATURE OF ACCUSED**  
N/A

<b>10. AT THE BEGINNING OF THE INVESTIGATION I INFORMED THE ACCUSED OF:</b> <i>(Check appropriate answer)</i>	<b>YES</b>	<b>NO</b>
<b>a. THE CHARGE(S) UNDER INVESTIGATION</b>	X	
<b>b. THE IDENTITY OF THE ACCUSER</b>	X	
<b>c. THE RIGHT AGAINST SELF-INCRIMINATION UNDER ARTICLE 31</b>	X	
<b>d. THE PURPOSE OF THE INVESTIGATION</b>	X	
<b>e. THE RIGHT TO BE PRESENT THROUGHOUT THE TAKING OF EVIDENCE</b>	X	
<b>f. THE WITNESSES AND OTHER EVIDENCE KNOWN TO ME WHICH I EXPECTED TO PRESENT</b>	X	
<b>g. THE RIGHT TO CROSS-EXAMINE WITNESSES</b>	X	
<b>h. THE RIGHT TO HAVE AVAILABLE WITNESSES AND EVIDENCE PRESENTED</b>	X	
<b>i. THE RIGHT TO PRESENT ANYTHING IN DEFENSE, EXTENUATION, OR MITIGATION</b>	X	
<b>j. THE RIGHT TO MAKE A SWORN OR UNSWORN STATEMENT, ORALLY OR IN WRITING</b>	X	
<b>11a. THE ACCUSED AND ACCUSED'S COUNSEL WERE PRESENT THROUGHOUT THE PRESENTATION OF EVIDENCE</b> <i>(If the accused or counsel were absent during any part of the presentation of evidence, complete b below.)</i>	X	

**b. STATE THE CIRCUMSTANCES AND DESCRIBE THE PROCEEDINGS CONDUCTED IN THE ABSENCE OF ACCUSED OR COUNSEL**

None.

[INCLUDE IN STATEMENT REASON(S) - FOR ABSENCE OF ACCUSED OR HIS COUNSEL.]

**NOTE:** If additional space is required for any item, enter the additional material in Item 21 or on a separate sheet. Identify such material with the proper numerical and, if appropriate, lettered heading (Example: "7c."); Securely attach any additional sheets to the form and add a note in the appropriate item of the form: "See additional sheet."

13 <sup>a</sup> THE FOLLOWING WITNESSES TESTIFIED UNDER OATH. (Check appropriate answer)				
NAME (Last, First, JII)	GRADE (if any)	ORGANIZATION/ADDRESS (Which ever is appropriate)	YES	NO
ITALL, You C.	BM3, USN	USS NEVERSAIL (AS 00)	X	
BLIND, Totally E.	DK2, USN	USS NEVERSAIL (AS 00)	X	
b. THE SUBSTANCE OF THE TESTIMONY OF THESE WITNESSES HAS BEEN REDUCED TO WRITING AND IS ATTACHED.			X	
13a. THE FOLLOWING STATEMENTS, DOCUMENTS, OR MATTERS WERE CONSIDERED; THE ACCUSED WAS PERMITTED TO EXAMINE EACH				
DESCRIPTION OF ITEM	LOCATION OF ORIGINAL (if not attached)			
NAVPERS 1070/606 (Page.6)/IO(2) Record of Unauthorized Absence	Accused's service record PERSUPPET, Newport, Rhode Island		X	
d. EACH ITEM CONSIDERED, OR A COPY OR RECITAL OF THE SUBSTANCE OR NATURE THEREOF, IS ATTACHED			X	
14. THERE ARE GROUNDS TO BELIEVE THAT THE ACCUSED WAS NOT MENTALLY RESPONSIBLE FOR THE OFFENSE(S) OR NOT COMPETENT TO PARTICIPATE IN THE DEFENSE. (See R.C.M. 909. 916(h).)				
15. THE DEFENSE DID REQUEST OBJECTIONS TO BE NOTED IN THIS REPORT (if Yes, specify in Item 21 below.)				X
16. ALL ESSENTIAL WITNESSES WILL BE AVAILABLE IN THE EVENT OF TRIAL			X	
17. THE CHARGES AND SPECIFICATIONS ARE IN PROPER FORM			X	
18. REASONABLE GROUNDS EXIST TO BELIEVE THAT THE ACCUSED COMMITTED THE OFFENSE(S) ALLEGED			X	
19. I AM NOT AWARE OF ANY GROUNDS WHICH WOULD DISQUALIFY ME FROM ACTING AS INVESTIGATING OFFICER. (See R.C.M. 408(d)(1).)			X	
20. I RECOMMEND:				
a. TRIAL BY <input type="checkbox"/> SUMMARY <input type="checkbox"/> SPECIAL <input checked="" type="checkbox"/> GENERAL COURT-MARTIAL				
b. <input type="checkbox"/> OTHER (Specify in Item 21 below)				
21. REMARKS (include, as necessary, explanation for any delays in the investigation, and explanation for any "no" answers above.)				
[EXAMPLES OF MATTERS TO BE COVERED HERE]				
1. Discussion of evidence, credibility of witnesses, and sufficiency of proof.				
2. Explanation of delays in completing investigation.				
3. Recommendations to dismiss, reduce, or otherwise change any specification/charge.				
4. Statement of any anticipated defense and any expected difficulties in proving any specification/charge on which trial is recommended.				
5. Any other recommendations.				
6. Any other matters which should be known to the convening authority and subsequent reviewing authorities.				
22a. TYPED NAME OF INVESTIGATING OFFICER		b. GRADE	c. ORGANIZATION	
Pretrial I. Officer		LCDR, JAGC, USN	Naval Justice School Newport, Rhode Island	
d. SIGNATURE OF INVESTIGATING OFFICER			e. DATE	
<i>Pretrial I. Officer</i>			30 Aug CY	

4 Sep CY

MEMORANDUM

From: Staff Judge Advocate  
To: Commander, Naval Education and Training Center, Newport  
Subj: ADVICE AND RECOMMENDATIONS CONCERNING THE CHARGES AGAINST  
SN WATT A. ACCUSED, U.S. NAVY, 123-45-6789  
Ref: (a) Article 32, UCMJ  
(b) R.C.M. 406, MCM, 1984  
Encl: (1) Charge sheet  
(2) Article 32 investigation w/First Endorsement

1. In accordance with reference (a), an investigation has been conducted into the following charge and specification against Seaman Watt A. Accused, U.S. Navy, 123-45-6789.

Charge and Specification: See enclosure (1).

2. The charge and specification have been forwarded with a recommendation for trial by general court-martial by Commanding Officer, Naval Justice School, Newport, Rhode island. The investigating officer, Lieutenant Commander Pretrial I, Officer, JAGC, U.S. Navy, recommended trial by general court-martial of the charge and specification. The investigation was conducted on 30 August 19CY. The pretrial investigation report and forwarding letter, dated 2 September 19CY, are attached (enclosure (2)).

3. In accordance with reference (b), the following advice concerning the charge and specification is furnished:

a. The investigation was conducted in substantial compliance with reference (a). The evidence consisted of one Government exhibit received into evidence.

b. The specification alleges an offense under the UCMJ.

c. The allegations in the specification are warranted by the evidence adduced at the investigation.

d. Court-martial jurisdiction has been established over the accused and the offense.

4. Discussion of the charge and specification:

a. Elements:

(1) That the accused, on or about 1 June 19CY, absented himself from his organization, that is, Naval Justice School, Newport, Rhode Island;

Subj: ADVICE AND RECOMMENDATIONS CONCERNING THE CHARGES AGAINST  
SN WATT A. ACCUSED, U.S. NAVY, 123-45-6789

(2) that he remained so absent until 18 August 19CY;

(3) that the absence was without authority from anyone competent to give him leave;

(4) that the accused intended at the time of absenting himself, or at some time during his absence, to remain away permanently from his organization; and

(5) that the accused's absence was terminated by apprehension.

b. Discussion of proof:

(1) IO Exhibit (2), a true copy of a NAVPERS 1070/606 (Record of Unauthorized Absence) from the service record of the accused, provides evidence which establishes probable cause to believe that, on or about 1 June 19CY, the accused absented himself from his organization, to wit: Naval Justice School, Newport, Rhode Island; that he remained so absent until 18 August 19CY; that the absence was without authority from anyone competent to give him leave; and that the absence was terminated by apprehension. The intent of the accused to remain away permanently can be inferred from the length of the absence, 78 days, and accused's apprehension in Tucson, Arizona, some distance from Newport, Rhode Island.

(2) If the intent of the accused to remain away permanently is not proved beyond a reasonable doubt, the accused may be found guilty of a lesser included offense of unauthorized absence in violation of Article 86, UCMJ.

(3) The statute of limitations, for both Article 85 and Article 86, is 5 years. The receipt of the preferred charges by Commanding Officer, Naval Justice School, Newport, Rhode Island, on 20 August 19CY, has tolled the running of the statute of limitations and this issue is moot.

5. Maximum authorized punishment:

a. Dishonorable Discharge, confinement for 3 years, forfeiture of all pay and allowances, and reduction to E-1, in the event the accused is convicted of a violation of Article 85, UCMJ.

b. Dishonorable Discharge, Confinement for 1 year 6 months, forfeiture of all pay and allowances, and reduction to E-1, in the event the accused is convicted of a violation of Article 86, UCMJ.



Subj: ADVICE AND RECOMMENDATIONS CONCERNING THE CHARGES AGAINST  
SN WATT A. ACCUSED, U.S. NAVY, 123-45-6789

6. Additional information relative to case:

a. A review of the accused's service record reflects the following misconduct resulting in disciplinary action:

CO's NJP - 14 JAN CY - Violation of Article 86, UCMJ,  
UA from 15 Oct CY(-1) to  
23 Dec CY(-1).

AWARDED: 15 days restriction, 15 days extra duty, and  
forfeiture of \$50.00 pay per month for 1  
month.

b. The accused is 24 years of age, single, and enlisted in the U.S. Navy on 1 January 19CY(-1), for a period of 4 years. His GCT is 45, his ARI is 53, and he completed the 12th grade of school. His average performance marks are 3.4. He is entitled to no awards, medals, or decorations.

7. In summarization, my advice is that there has been substantial compliance with reference (a), the specification alleges an offense under the Code and the allegations in the offense are warranted by the evidence contained in the investigation. My recommendation is that the charge and specification be referred to trial by general court-martial.

8. You may indicate your agreement or disagreement with the foregoing in the place provided below. If you agree with the advice and recommendation herein, you should sign the referral to trial on page two of the Charge Sheet (DD Form 458) (enclosure (1)).

*R. U. Guilty*  
R. U. GUILTY

APPROVED/DISAPPROVED

ABLE B. SEAWEED  
Captain, U.S. Navy  
Commander, Naval Education and Training Center  
Newport, Rhode Island

SECTION 12

LAW LIBRARY

This section of the Legalman/Legal Clerk Student Study Guide contains information relative to the law library and the legal publications therein.

## I. THE LAW LIBRARY.

A. Purpose of the Law Library. There are three basic reasons why we in the legal community have our own law libraries:

1. To provide paralegals, clerks, attorneys, and judges with tools to research the law.
2. To give attorneys necessary, current information to ensure that they can give sound and competent legal advice to clients, and in preparing cases.
3. To provide judges with information necessary to reach fair and judicious decisions in cases.

B. Inside the Law Library.

1. While you will find that most NLSO law libraries are very similar in what law books they contain, they rarely are exactly the same. This is because some commands have research needs that others do not. For instance, in Hawaii the NLSO may have occasion to research topics of international law which the NLSO in Charleston would not have. Also, some offices provide a broader range of legal assistance services than others do and, therefore, need special books to provide expanded services that other offices do not provide.
2. The internal organization of the law library is very different from public libraries in that sets of books are shelved or organized according to the legal classification of material they contain. The sets of books contained in most NLSO law libraries are broken down into some, if not all, of the following topical sections:
  - a. Federal laws or statutes.
  - b. State laws or statutes.
  - c. State, federal, and local rules of court.
  - d. Form books.
  - e. Law journals.
  - f. Military law publications.
3. In design, our libraries are set up so that persons needing to conduct legal research have places in the library to sit and conduct their research. The logic is simply this, researching, in some instances, is equated to looking for a needle in a haystack. Accordingly, total concentration is required. If a legal staff member were required to conduct research in his or her own office, there is a good probability that an answer would never be found due to

interruptions by other staff members and clients, telephone calls, etc.

C. Progression of Law Books.

1. Law books obviously start out with a published volume. The manner of updating, however, is not always republication of the volume. The reason for this is because it is not cost effective to do so. For instance, if you have a book on the subject of Maritime and Admiralty law which was published in January of 1990, and in March of 1990 one small part of the law contained in the volume changed, the published is not going to rush out and publish a new volume. Not only would it be extremely expensive, but no one would buy it. There are alternatives.
2. In the legal offices, we receive notice of changes to existing published materials in any one or all of the following forms:
  - a. Looseleafs.
  - b. Pamphlets.
  - c. Pen-in-ink.
  - d. Supplements.
  - e. Pocket-parts.
  - f. New volumes.
3. The most common method of change to us in the military is the pocket-part. Pocket-parts contain only the specific pages of the volume that have been changed over the period of a year. A separate pocket-part is issued for each volume. When the pocket-parts are received in an office, stapled to the back of the change for each volume is a small cardboard backing. This backing is inserted into a pocket that the publisher has created in the inside, back cover of the volume. If changes do occur, the annual pocket-part update is simply inserted into the pocket, the preceding one is discarded and your volume is now current as of the date of the pocket-part.

D. Maintenance of the Law Library.

1. Most of the books contained in the typical NLSO or SJA law library are paid for by JAG as opposed to coming from individual command or legal office expense accounts. The bulk purchases made by JAG result in extraordinary cost savings over what would normally be expended if purchased separately.
2. If a particular office has a need to purchase books which are not provided by JAG, prior to expending any

funds the office should check with the Head Field Librarian for JAG to see whether or not funds exist to purchase what is needed. Chances are that if proper justification for purchase exists, JAG will help. If by chance the initial purchase cannot be funded by JAG, then each succeeding year as the material is updated, again communicate with JAG to see if they can fund the update costs. The Head Field Librarian for JAG can be reached at Autovon 221-9567 or Commercial (202) 325-9567.

3. On an annual basis the Head Field Librarian will send an inventory listing all of the books which should be held in your command's law library which are funded by JAG. After the inventory is completed, it must be return mailed to JAG. When the inventory listing arrives, several pages of instructions will accompany it. You must follow those instructions.

E. Library Management Tips.

1. Ensure that publications are updated or shelved as soon as received.
2. If a check-in, check-out process does not exist in your library, implement the use of one. It will greatly reduce search time.
3. If you have a medium to large sized library, create an alphabetical listing of all books on hand, and identify what section they are located in.
4. If you have any questions relating to library management or organization, contact the Head Field Librarian.

II. SOURCES OF THE LAW.

A. Constitutional Law.

1. The primary sources of law in the United States are the U.S. Constitution, its Amendments, and the Bill of Rights. This type of law is referred to as the "supreme law of the land" and is most commonly known as Constitutional Law.
2. Constitutional law addresses such things as your right to counsel, your right to a trial of the facts by your peers, your right against self-incrimination, and your right to be confronted by and to cross-examine any witnesses against you.

B. Statutory Law.

1. The second source of law includes those laws passed or enacted by the various legislative bodies such as Congress or state legislatures.
2. These laws come from the federal and state statutes and are commonly called Statutory Law. They include such things as federal and state income tax laws, controlled substance laws, drunk driving laws, and gun control laws, to name a few.

C. Case Law.

1. A third source of law comes from the judicial system itself. This type of law is based on the concept that our judges shall apply either constitutional or statutory law, or shall apply a previous court decision to the facts in a given case, thereby rendering a fair and proper decision in the case. This is referred to as Case Law.
2. Case Law is very important because it is often used by attorneys in an effort to persuade a judge to decide a case favorably toward their side. Case Law also provides us with guidance, and in many instances, requirements for the proper conduct of our trials and for the administration of justice in our cases. For example, the case of U.S. v. Allen makes it mandatory for our courts to give every accused person credit against his sentence for any pretrial confinement adjudged at trial.
3. As you can imagine, there are many thousands of cases which have previously been decided by our courts and each one may have an effect on all future cases with either the same or similar facts.

D. Administrative Law.

1. A fourth source of law is Administrative Law, which originates primarily with our governmental agencies such as the Department of Transportation, the Department of State, the Department of Agriculture, the Department of Defense, and so forth.
2. As an example, the Department of the Navy has issued the U.S. Navy Regulations. They are not Constitutional Law because they are not founded in the U.S. Constitution or any of our state constitutions. They aren't Statutory Law since neither Congress nor any state legislature enacted any law regarding Navy Regulations. They are not Case Law since they didn't come into effect as a

result of a previous case decision. Navy Regulations were written by the Navy to regulate behavior within the Department of the Navy and as such are administrative in Nature. Although some of them may be punitive, they are still Administrative Law.

E. Official v. Unofficial.

1. Many field libraries will contain both "official" and "unofficial" sets of books. There are some differences between them. A set of books is considered "official" when it is published pursuant to some sort of statutory direction or law. Then it is considered to be the "official" set of books to report the laws or cases within the jurisdiction of the legislative body that enacted the statute. For example, there is a federal statute which states that the United States Code shall be the "official" set of books to report all of the statutes enacted by the U.S. Congress. Any other sets of books which reported these same statutes would be considered "unofficial".
2. Most law libraries contain both the "official" and "unofficial" sets of books which report the same cases. For example, we have the United States Code which is our "official" set of books which report the statutes enacted by Congress. We also have two "unofficial" sets of books which report the same law. One is the United States Code Annotated and the other is the United States Code Service.
3. You may reasonably ask yourself why we have three sets of books which report the same thing. That is a good question. There are several reasons why we might want to subscribe to the "unofficial" set of books as well as the "official" set of books. Two of them are:
  - a. The "unofficial" sets often extend beyond a single jurisdictional boundary, and will report the cases for an entire geographical area rather than for a single state. For example, the Atlantic Reporter, part of the National Reporter system, covers cases for the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, and Washington, D.C. When several states report cases in a single set of books, you can see where the set of books could be published sooner than doing one set for each state.
  - b. The "unofficial" sets are usually uniform in how the material is indexed. West Publishing

Company, for example, uses the system known as the "key numbering system" for all its books.

F. Sources of Authority.

1. There are basically three types of books in the law library; those which contain the laws which are to be enforced by our Government, those which explain or try to describe the law, and those that help us to find any given particular law. These books fall into three basic categories called Primary Authority, Secondary Authority, and Finding Tools. Don't confuse this manner of description with "official" and "unofficial".
2. "Primary Authority" includes rules for human behavior which are enforced by the state or federal Government. In other words, it's the law and it must be followed. Primary Authority may be in the form of court decisions, statutes enacted by our Congress or other legislative bodies, or administrative law.
3. "Secondary Authority" is not "the law" itself but instead is an explanation or description of the law. Since it is not actually "the law" itself, it lacks legal authority in a formal sense, but it has some degree of persuasive value. It has this persuasive value because of the soundness of the reasoning of the explanation or description or possibly because of the status of the court presenting it, or possibly because of the author's explanation or description. It, most often, is contained in "unofficial" sets of books, but not always. Some samples of the types of books that might be Secondary Authorities are: text books, treatises, commentaries, restatements, and periodicals.
4. "Finding Tools" are those books which help the researcher to find a particular law contained in a "primary" or "secondary" source. It is estimated that some 30,000 new decisions are made each year in our court systems. In addition, there are already over 18,000,000 published decisions. It would be physically impossible for any one person to read all of them, let alone to remember them and try to use them to prepare a case for trial. As the term "finding tool" indicates, these books are the tools of the researcher. Learning to use them makes conducting legal research much easier. Some samples of finding tools would be: digests, citators, encyclopedias, phrase books, indices, some looseleaf services, annotated compilations, and dictionaries.



## G. Citing Cases.

1. A citation is a way of identifying a particular legal resource. Its purpose is to lead the reader to the exact place where the material referred to can be found. Like a fingerprint, a citation should have one and only one meaning. To ensure that we all use a similar, or uniform, system of citing cases, the Harvard Law Review Association proposed -- and nearly everyone adopted -- the Uniform System of Citation, or U.S.O.C. for short.
2. The U.S.O.C. teaches us that a citation should contain the following items in order to be considered a good citation:
  - a. Name of the case (i.e. United States v. Allen).
  - b. A reference to the "official" source, if there is one.
  - c. A reference to the "unofficial" sources if there are any.
  - d. Identify the court and year of the decision.

EXAMPLE: United States v. Allen, 17 M.J. 126 (CMA 1984)

3. Now that you know what the U.S.O.C. says should be contained in a good citation, it is time to learn how to read that citation so that you can find the cited material when asked to do so. Obviously, the name of the case is easy to understand. However, notice the format in which the name is set out. The name of the case is underlined. The name of the person bringing suit or charges is listed first and the defendant is listed second. You could see cases cited as U.S. v. Whoever, which means the United States is suing or bringing charges against Whoever. You may see cases cited as Whoever v. U.S., which means that Whoever is suing the United States Government. You may also see some cases such as Smith v. Jones, which means Smith is suing Jones. You will usually find that the Government is named in criminal cases and an individual person or corporation is named in civil lawsuits.
4. Reading a citation is easy once you understand how. In the U.S. v. Allen case we cited 17 M.J. 126 (1984). The first number(s) in the citation refer to a volume number. In this case, volume 17. The letters in the middle identify the particular set of books we should look in to find our case. "M.J." is the abbreviation for the set of books called Military

Justice Reporter. The last number(s) represent(s) the page number within the volume. If you were to turn to page 126 in volume 17 of the Military Justice Reporter, you would find the U.S. v. Allen case.

5. Some of the more common abbreviations you will need to become familiar with are:

- a. U.S.C. (United States Code)
- b. U.S.C.A. (United States Code Annotated)
- c. C.F.R. (Code of Federal Regulations)
- d. U.S. (United States Reports)
- e. S. Ct. (Supreme Court Reporter)
- f. L.Ed. 2d (Lawyer's Edition of the U.S. Supreme Court Reports, Second Series)
- g. F. Cas. (Federal Cases)
- h. F. or F.2d (Federal Reporter or Federal Reporter, Second Series)
- i. F. Supp. (Federal Supplement)
- j. C.M.A. (United States Court of Military Appeals Reports)
- k. M.J. (Military Justice Reporter)
- l. C.M.R. (Court-Martial Reports)
- m. AmJur (American Jurisprudence)
- n. C.J.S. (Corpus Juris Secundum)
- o. A.L.R. (American Law Reports)
- p. U.S.L.W. (United States Law Week)

6. Again, when you provide a good citation, you should provide the "official" cite first and any "unofficial" cite next. It may not always be possible to do so but you should whenever possible. Also, the "unofficial" cite is often referred to as a "parallel" cite. This is because it is basically the same case but is found in a different set of books than the "official" cite. The two "parallel" one another, thus the term "parallel" cite.

### III. LEGAL PUBLICATIONS.

#### A. Primary Sources.

##### 1. Case Law.

##### a. Federal reports.

##### (1) Reports of the U.S. Supreme Court.

##### (a) United States Reports.

1. Begun 1790.

2. Official reporter.

3. Cite:

a. Citations to early volumes must include reporter's name.

b. After volume 90, cite only by volume number of United States Reports; e.g. Feres v. United States, 340 U.S. 135 (1950).

c. In any citation, use a jump cite when citing to a particular page within the report of the case; e.g., Feres v. United States, 340 U.S. 135, 139 (1950).

##### (b) Supreme Court Reporter (West Publishing Co.).

1. Unofficial reporter.

2. Same text as official reporter.

3. Incorporates West key number digest system.

4. Cite: Feres v. United States, 71 S. Ct. 153 (1950).

##### (c) Lawyer's Edition of the U.S. Supreme Court Reports (Lawyer's Cooperative Publishing Co.).

1. Unofficial reporter.

2. Same text as official reporter.

3. Annotated.
  4. Summaries of counsels' arguments.
  5. Cite: Feres v. United States, 95 L. Ed. 152 (1950).
- (d) Cite Supreme Court cases to the official reporter, if available. All three reporters may be cited in parallel form as follows: Feres v. United States, 340 U.S. 135, 71 S. Ct. 153, 95 L. Ed. 152 (1950).
- (e) Both S. Ct. and L. Ed. contain references to the volume and page of the official report ("star paging"), so you may cite to and find the official report pagination even if the official report is not in your library.
- (f) Services providing Supreme Court decisions sooner than the above reporters.
1. Looseleaf services.
    - a. U.S. Law Week (Bureau of National Affairs).
    - b. Supreme Court Bulletin (Commerce Clearing House).
  2. Slip decisions (U.S. Government Printing Office).
    - a. Issued by the Supreme Court itself.
    - b. First official text of decisions.
    - c. Each slip decision is paginated separately as a separate pamphlet.
    - d. Accumulated until there are enough for publication together as the advance sheet of the official United States Reports.
  3. Advance sheets.
    - a. Each of the three reporters of Supreme Court decisions issues

a preliminary booklet containing the Court's latest decisions in a temporary form.

b. Pagination is the same as the bound volume and they are cited the same as the bound volume.

c. Advance sheet for the official reporter is called the Preliminary Print.

(2) Lower federal court reporting.

(a) Federal Cases (West).

1. Published in 1880, consisting of 30 volumes.
2. Contains the most important lower federal court decisions from 1789 to 1880.

(b) Federal Reporter (West).

1. Begun in 1880.
2. Contains decisions of both Federal District and Federal Circuit Courts until 1931; from 1931, only Circuit Court decisions are included.
3. Cite: Joyce v. Mathews, 569 F.2d 1039 (8th Cir. 1978).

(c) Federal Supplement (West).

1. Begun in 1931.
2. Publishes selected, but not all Federal District Court decisions.
3. Cite: McCray v. Sullivan, 413 F. Supp. 444 (S.D. Ala. 1976).

(d) Federal Rules Decisions (West).

1. Offers a limited number of decisions of the federal courts relating to procedural matters.
2. Cite: Carlucci v. Piper Aircraft Corp., 102 F.R.D. 472 (S.D. Fla. 1984).

(e) American Law Reports--Federal (Lawyer's Coop.).

1. Begun in 1969.
2. Offers a selection of important federal court decisions with annotations.

(f) There are no "official" reports for the lower federal courts. Always cite to either F., F.2d, F. Supp., or F.R.D.

b. State reports.

(1) Official reports.

- (a) Issued by the courts themselves as their authoritative text.
- (b) Most official reporters include only the reports of decisions of the highest court of that state. A few states issue more than one series of official reports to include cases of intermediate appellate courts. Some states have abandoned their official reports and designated the reports of the West Publishing Co. as their official reporter.
- (c) Some, but not many states, also publish official slip decisions and advance sheets.

(2) Unofficial reports.

- (a) Widely used and usually cited because of their superior research aids, fuller coverage, and faster publication.
- (b) "Star paging" indicates the official pagination in the unofficial reporter, allowing the researcher to cite directly to the official text.
- (c) National Reporter System (West).
  1. Consists of a series of regional reporters which collectively publish most of the decisions issued by the appellate courts of the 50 states.

- a. Atlantic Reporter (A., A.2d) -- Conn., Del., Me., Md., N.H., N.J., Pa., R.I., Vt., D.C.
- b. North Eastern Reporter (N.E., N.E.2d) -- Ill., Ind., Mass., N.Y., Ohio.
- c. North Western Reporter (N.W., N.W.2d) -- Iowa, Mich., Minn., Neb., N.D., S.D., Wis.
- d. Pacific Reporter (P., P.2d) -- Alaska, Ariz., Cal., Colo., Hawaii, Idaho, Kan., Mont., Nev., N.M., Okla., Or., Utah, Wash., Wyo.
- e. South Eastern Reporter (S.E., S.E.2d) -- Ga., N.C., S.C., Va., W.Va.
- f. South Western Reporter (S.W., S.W.2d) -- Ark., Ky., Mo., Tenn., Tex.
- g. Southern Reporter (So, So. 2d) -- Ala., Fla., La., Miss.

(The above state abbreviations are as suggested by A Uniform System of Citation.)

- 2. The National Reporter System also contains separate reporters for the more litigious states, such as New York Supplement (N.Y.S., N.Y.S.2d) and California Reporter (Cal. Reptr.), which also include selected intermediate appellate court decisions from those states.
- 3. The National Reporter System uses the same key number indexing and digesting scheme used in the Supreme Court Reporter, Federal Reporter, and Federal Supplement.
- 4. The system is kept up to date by use of advance sheets which are later accumulated into bound volumes.

(d) American Law Reports (Lawyers Coop.).

1. Now in its fourth series (A.L.R., A.L.R.2d, A.L.R.3d, A.L.R.4th).
2. Reports a small selection of significant state court decisions.
3. Each case is annotated with an editorial discussion of the law in that case. The annotations contain well-indexed surveys of the law in all states in that particular area.
4. Employs work indexes and digests similar to West's Key Number Digest, but considerably more limited.
5. Kept up to date by supplementary volumes and pocket parts. These provide reference to later cases on the subject and other relevant annotations.

(3) State Court citations:

- (a) Use parallel citing with the official reporter cited first. Putnam v. Wenbrand, 329 Mass. 453, 109 N.E.2d 123 (1952).
- (b) If the official cite cannot be determined, or if there is no official reporter, indicate the state in parenthesis. Milstid v. State, 347 So. 2d 1319 (Miss. 1977).
- (c) If citing to a reporter containing cases from more than one court within a state, indicate the court in parenthesis. Schiffman v. Corsi, 182 Misc. 498, 50 N.Y.S. 2d 897 (Sup. Ct. 1944).

2. Statutes.

a. Federal.

(1) Official.

(a) Slip laws.

1. First official text.



2. May be requested from the appropriate congressional clerk or ordered from the Superintendent of Documents, G.P.O.
3. Individual statutes issued in pamphlet form.

(b) Statutes at Large.

1. Bound volumes containing all public and private laws.
2. Issued after each session of Congress, called "Session Laws".
3. Contain an index for all legislation for that session.
4. Cite:
  - a. Give the name of the statute, the public law, or chapter number, and the section number (when discussing less than the full act). Clayton Act, ch. 323, Sec. 7, 38 Stat. 730 (1914).
  - b. If the act has no official or popular name, the following form should be used: Act of Apr. 25, 1957, Pub. L. No. 85-24, Sec. 3, 71 Stat. 25.
  - c. Always cite to the U.S. Code if the act is found therein and if currently in force, rather than Statutes at Large.

(c) United States Code.

1. First published in 1926.
2. Arranges all public, general, and private laws by subject into some 50 titles.
3. Republished in a completely revised edition every six years with bound cumulative supplements in the intervening years.

4. Contains research aids as well at the text of the statutes.
5. Cite: Robinson-Patman Act, 15 U.S.C. Secs. 13-13b, 21a (1988).

(2) Unofficial.

(a) Session Laws.

1. United States Code Congressional and Administrative News (West).
  - a. Contains complete text of all public laws, no private laws.
  - b. Contains selected legislative history (committee reports, etc.).
  - c. Also contains selected administrative regulations, executive documents, and useful tables and indexes.
  - d. Uses advance sheets.
2. Current Public Laws and Administrative Material (Lawyer's Coop.).

(b) Annotated subject compilations.

1. United States Code Annotated (West).
  - a. Follows the same title and section numbering as the U.S. Code.
  - b. Contains the same statutory text.
  - c. Has annotations of court decisions interpreting, construing, and applying each section.
  - d. Has editorial notes and analytical discussions.
  - e. Supplemented by annual pocket parts, quarterly pamphlets, and revised volumes as necessary.

f. Cited the same as U.S.C., using the form: 10 U.S.C.A. Sec. 906a (Supp. 1990).

2. Federal Code Annotated (Lawyer's Coop.).

a. Has many of the same features as U.S.C.A.

b. Seldom used.

b. State.

(1) Official.

(a) Slip laws.

1. First official text.

2. Issued in many states, but rarely distributed to the public.

(b) Session Laws.

1. Cumulate on a chronological basis the laws enacted at each setting of the state's legislature.

2. The names vary from state to state (Laws of New York, Acts and Resolves of Massachusetts, etc.).

3. Most contain a non-cumulative index for each volume or session.

(2) Subject compilations.

(a) Similar to U.S. Code.

(b) Usually commercially published, unofficial collections.

(c) Most contain annotations of court decisions which dealt with those statutes.

(d) Supplementation is generally by pocket parts or looseleaf insertions.

3. Administrative Law Materials.

a. Federal.

(1) Executive documents.

(a) Weekly Compilation of Presidential Documents (GPO).

(b) Public Papers of the Presidents.

(c) Other sources:

1. Federal Register.

2. Code of Federal Regulations.

3. Congressional Record.

4. U.S. Code Congressional and Administrative News.

5. Statutes at Large.

6. U.S. Treaties and Other International Agreements.

(2) Administrative regulations.

(a) Federal Register.

1. Established by the Federal Register Act of 1935.

2. A daily gazette for executive and administrative promulgations issued in a magazine format.

3. Has codification guides to indicate which regulations have been changed in each issue.

4. Cite: Exec. Order No. 11,851, 40 Fed. Reg. 16,645 (1975).

(b) Code of Federal Regulations.

1. Required by a 1957 amendment to the Federal Register Act.

2. Arranges effective regulations in an indexed subject compilation. Issued in a pamphlet form.

3. Divided into 50 titles, which are subdivided into chapters, parts, and sections.
4. Completely revised each year by the issuance of new pamphlets.
5. Has a general index volume to help locate subjects.
6. Cite: Exec. Order No. 11,609, 3 C.F.R. 308 (1974).

b. State and local.

- (1) Less than half of the states maintain current, well-supplemented compilations of administrative regulations.
- (2) There is also very little material available with respect to the decisions and rulings of state administrative agencies.

B. Finding Tools.

1. For judicial decisions.

a. West Digests.

- (1) Divides American Law into more than 400 broad topics, which are subdivided into hundreds and thousands of detailed subtopics.
- (2) Each subtopic bears the name of the broad topic and a key number designating its specific subdivision. (Example: Torts 142(2).)
- (3) Editorial workers at West abstract the significant points of law discussed in each case published in the National Reporter System.
- (4) Each of these abstracts (called "squibs") is classified into one or another of the legal topics set out in the key number system.
- (5) The squibs are arranged by key number and printed in each West Reporter as headnotes at the beginning of the decisions from which they are taken.
- (6) These summaries are then printed by topic and key number in the Key Number Digest

which appears in the front of the advance sheet of every West reporter and subsequently in their bound volumes.

- (7) All of these squibs are then collected from the various reporters and published in specific digests for each individual reporter and in the General Digest.
- (8) The General Digest is itself cumulated every 10 years into a Decennial Digest.
- (9) Methods of access:
  1. Tables of cases.
  2. Legal concept.
  3. Descriptive Word Index.

b. Encyclopedias.

- (1) Two primary legal encyclopedias.
  - (a) Corpus Juris Secundum (West). Cite: 6 C.J.S. Armed Services, 279 (1975).
  - (b) American Jurisprudence 2d (Lawyer's Coop.). Cite: 53 Am. Jur. 2d Military Sec. 86 (1970).
- (2) Each has separate index volumes as well as topical indexes within the main volumes.
- (3) The voluminous footnotes to the articles in the encyclopedias contain thousands of case references. Thus, they can be used directly as finding tools.

c. Words and Phrases (West).

- (1) An encyclopedia of definitions and interpretations of legally significant words and phrases.
- (2) The words and phrases are alphabetically arranged and each is followed by abstracts of judicial decisions which have interpreted, defined, and construed them.
- (3) Supplemented by annual pocket parts.
- (4) There is also a Table of Words Construed which appears in every West advance sheet

and bound reporter covering words and phrases from the cases that are reported therein.

d. Shepard's Citations.

- (1) Lists the citation of virtually every published decision and then cites every later case which has cited that decision.
  - (2) Purposes of Shepards:
    - (a) Traces the judicial history of a case.
    - (b) Verifies the current status of each case.
    - (c) Finds later cases, periodical articles, attorney general opinions, etc., which have cited that case.
  - (3) Uses symbols such as "e" for explained, "d" for distinguished, or "o" for overruled to indicate the nature of the citing court's treatment of the case cited.
  - (4) Supplemented by advance sheets.
2. For statutes.
- a. Indexes.
    - (1) Found in Statutes at Large, U.S. Code, U.S. Code Annotated, Federal Code Annotated, and in state compilations.
    - (2) Used by looking up the subject matter of the researcher's problem or by looking up the subject catchwords and phrases in a statutory word index.
  - b. Popular Name Tables.
    - (1) Used to find statutes which have become known by a popular name.
    - (2) Found in Shepard's Acts and Cases by Popular Name--Federal and State, and in designated volumes of U.S.C., U.S.C.A., and F.C.A.
  - c. Parallel Conversion and Transfer Tables.
    - (1) Provide reference from one form or stage of a law to another form or later stage of that same law.

- (2) There are several types of these tables and they can be found in most of the legislative source materials mentioned above.

d. Citators.

- (1) Shepard's United States Citations.

- (a) Includes entries for every section of the U.S. Code and for every provision in Statutes at Large which have not been incorporated into the code.
- (2) Shepard's also has a statutory citator for every state.
- (3) Purposes of Shepard's statutory citators.
  - (a) Verifies the current status of particular laws.
  - (b) Traces the legislative and judicial history of particular laws.
  - (c) Develops further research leads to judicial decisions, attorney general opinions, or legal periodical articles.
- (4) Uses symbols similar to those used in the case citators to indicate significant actions which have been taken with respect to a particular statute either by later legislative changes or court decisions.

C. Secondary Materials.

1. Characteristics and Purposes:

- a. Unofficial and non-authoritative.
- b. Sometimes directly effect the development of the law.
- c. Serve as search books or finding tools.
- d. Provide forms and guidelines for legal practice.
- e. Reveal trends and patterns in unsettled areas of the law.



2. Legal Encyclopedias.

a. Two primary encyclopedias:

(1) Corpus Juris Secundum (West).

(2) American Jurisprudence 2d (Lawyers Coop.).

b. Not considered authoritative.

c. Excellent finding tools to the primary sources of authority.

d. Employ an alphabetical arrangement of broad legal topics.

e. Self-indexing.

f. Supplemented by annual pocket parts.

g. West and Lawyer's Coop. also publish several state encyclopedias which follow roughly the same pattern as their national publications.

3. Texts and Treatises.

a. Types.

(1) Scholarly surveys of particular fields in depth. Usually multi-volumed.

(a) Wigmore on Evidence.

(b) Corbin on Contracts.

(2) Horbooks, student texts, and treatise abridgements. Usually in one volume.

(a) Prosser on Torts.

(b) Leflar on Conflicts of Law.

(3) Practitioner's handbooks for particular fields.

(a) Attorneys' Dictionary of Medicine.

(b) Attorneys' Textbook of Medicine.

(c) Personal Injury Valuation Handbooks.

(d) Jayson, Handling Federal Tort Claims.

(4) Procedural manuals.

- (5) Specialized monographs on more or less narrow topics.
- (6) Comprehensive commentaries, histories, and works of jurisprudence.
  - (a) Blackstone's Commentaries.
  - (b) Pound's Jurisprudence.
  - (c) Holdsworth's History of English Law.
- b. May be supplemented by looseleaf inserts, pocket parts, or bound editions.
- 4. Restatements of the Law.
  - a. Published under the auspices of the American Law Institute (ALI).
  - b. Cover many, but not all, of the important fields, including contracts, torts, agency, trusts, etc.
  - c. Divided into sections, each of which contains a general statement of the law followed by explanatory comments and illustrative examples.
  - d. Has general index volumes and individual indexes for each subject.
- 5. Periodicals.
  - a. Types of periodicals.
    - (1) Law school reviews.
      - (a) Harvard Law Review.
      - (b) The Air Force Law Review. Cite: James, Pleadings and Practice under United States v. Alef, 20 A.F.L. Rev. 22 (1978).
    - (2) Specialized scholarly journals.
    - (3) Bar association journals.
    - (4) Legal magazines and newspapers.
      - (a) New York Law Journal.
      - (b) The Reporter, published by AU CPD/JA.

- b. Periodical indexes.
- c. Periodical citators.
- 6. Special Materials.
  - a. Martindale-Hubbell law directory.
    - (1) Provides a national listing of lawyers in all states.
    - (2) Last volume contains brief digests of the law of every state and many foreign countries on specific legal topics.
    - (3) Useful as a reference from which further research can be undertaken.
  - b. Form books.
  - c. Law dictionaries.
    - (1) Provide definitions to legal terminology, often supported by quotes from cases which discuss them.
    - (2) Most popular are by Black, Ballentine, and Bouvier.
  - d. Uniform System of Citation.
    - (1) Published by the Harvard Law Review Association.
    - (2) Provides a guide to proper citation form and usage.

SECTION 13

PRETRIAL AGREEMENTS

This section of the Legalman/Legal Clerk Student Study Guide contains samples of pretrial agreements.

MEMORANDUM OF PRETRIAL AGREEMENT

UNITED STATES

Place: Newport, Rhode Island

v.

Date: 30 August 19CY

Dog N. Wrench

BM3/E4

111-22-3333

Name

Rate/Branch

SSN

I, Dog N. Wrench, the accused in a general court-martial, do hereby certify:

That, for good consideration and after consultation with my counsel, I do agree to enter a voluntary plea of GUILTY to the charges and specifications listed below, provided the sentence as approved by the convening authority will not exceed the sentence hereinafter indicated by me;

That it is expressly understood that, for the purpose of this agreement, the sentence is considered to be in these parts, namely: the punitive discharge, period of confinement or restraint, amount of forfeiture or fine, and reduction in rate or grade;

That should the court award a sentence which is less, or a part thereof is less, than that set forth and approved in the agreement, then the convening authority, according to law, will only approve the lesser sentence;

That I am satisfied with my defense counsel in all respects and consider him qualified to represent me in this court-martial;

That this offer to plead guilty originated with me and my counsel; that no person or persons whomsoever have made any attempt to force or coerce me into making this offer or pleading guilty;

That my counsel has fully advised me of the meaning and effect of my guilty plea and that I fully understand and comprehend the meaning thereof and all of its attendant effects and consequences, including the possibility that I may be processed for an administrative discharge, even if part or all of the sentence, including a punitive discharge, is suspended or disapproved pursuant to this agreement;

That I understand that I may ask permission to withdraw my plea of guilty at any time before sentence is announced, and that the military judge may, at his discretion, permit me to do so; and

That I understand this offer and agreement and have been advised that it cannot be used against me in the determination of my guilt on any matters arising from the charges and specifications made against me in this court-martial.

That it is expressly understood that the pretrial agreement will become null and void in the event: (1) I fail to plead guilty to each of the charges and specifications set forth below, (2) the court refuses to accept my plea of guilty to any of the charges and specifications set forth below, (3) the court accepts each of my pleas but, prior to the time sentence is announced, I ask permission to withdraw any of my pleas, and the court permits me to do so, and (4) the court initially accepts my plea of guilty to each of the charges and specifications set forth below but, prior to the time the sentence is adjudged, the court sets aside any of my guilty pleas and enters a plea of not guilty on my behalf.

CHARGES PREFERRED:

<u>Article #</u>	<u>Description</u>
1. 121	Steal an automobile of a value of about \$45,000.00, the property of Rear Admiral John P. Jones, USN.

GUILTY PLEA BY ACCUSED:

<u>Article #</u>	<u>Description</u>
121	Steal an automobile of a value of about \$45,000.00, the property of Rear Admiral John P. Jones, USN.

MAXIMUM SENTENCE TO BE APPROVED BY CONVENING AUTHORITY

See maximum sentence appendix to memorandum of pretrial agreement.

Signed: Dog N. Wrench  
DOG N. WRENCH  
BM3 USN  
19 August 19CY  
Newport, Rhode Island

Witness: I. Freedom  
I. FREEDOM  
LCDR, JAGC, USN  
30 August 19CY  
Naval Legal Service Office  
Newport, Rhode Island

Witness: Leta Convictum  
LETA CONVICTUM  
LCDR, JAGC, USN  
Naval Legal Service Office  
Newport, Rhode Island

The foregoing agreement is approved.

Izzie Guilty  
IZZIE GUILTY  
CAPT USN  
Commander, Naval Education  
and Training Center  
Newport, Rhode Island

MAXIMUM SENTENCE APPENDIX TO  
MEMORANDUM OF PRETRIAL AGREEMENT

UNITED STATES

Place: Newport, Rhode Island

v.

Date: 30 August 19CY

Dog N. Wrench

BM3/E4

111-22-3333

Name

Rate/Branch

SSN

Maximum Sentence to be approved by Convening Authority:

1. Punitive Discharge: As awarded.
2. Confinement or Restraint: Confinement in excess of 90 days will be disapproved.
3. Forfeiture or fine: Forfeitures in excess of \$200.00 pay per month for 3 months will be disapproved.
4. Reduction to: As awarded.

Signed:

*Dog N. Wrench*

DOG N. WRENCH  
BM3 USN  
30 August 19CY  
Newport, Rhode Island

Witness:

*I. Freedom*

I. FREEDOM  
LCDR, JAGC, USN  
30 August 19CY  
Newport, Rhode Island

Witness:

*Leta Convictum*

LETA CONVICTUM  
LCDR, JAGC, USN  
Naval Legal Service Office  
Newport, Rhode Island



SECTION 14

SUMMARY COURTS-MARTIAL

This section of the Legalman/Legal Clerk Student Study Guide contains sample forms concerning the proper preparation of a summary court-martial record of trial.

**RECORD OF TRIAL BY SUMMARY COURT-MARTIAL**

1a. NAME OF ACCUSED (Last, First, MI) <b>SMITH, John J.</b>	1b. GRADE OR RANK <b>SN, USN</b>	1c. UNIT OR ORGANIZATION OF ACCUSED <b>USS OLDSHIP (DD 111)</b>	1d. SSN <b>123-45-6789</b>
2a. NAME OF CONVENING AUTHORITY (Last, First, MI) <b>HIGH, Hang M.</b>	2b. RANK <b>CDR, USN</b>	2c. POSITION <b>Commanding Officer</b>	2d. ORGANIZATION OF CONVENING AUTHORITY <b>USS OLDSHIP (DD 111)</b>
3a. NAME OF SUMMARY COURT-MARTIAL (If SCM was accuser, so state.) <b>NEW, Brand S.</b>	3b. RANK <b>LT, USN</b>	3c. UNIT OR ORGANIZATION OF SUMMARY COURT-MARTIAL <b>USS OLDSHIP (DD 111)</b>	

*(Check appropriate answer)*

YES	NO
-----	----

4. At a preliminary proceeding held on <u>1 January</u> 19 <u>CY</u> , the summary court-martial gave the accused a copy of the charge sheet.	X	
5. At that preliminary proceeding the summary court-martial informed the accused of the following:		
a. The fact that the charge(s) had been referred to a summary court-martial for trial and the date of referral.	X	
b. The identity of the convening authority.	X	
c. The name <del>X</del> of the accuser <del>X</del> .	X	
d. The general nature of the charge(s).	X	
e. The accused's right to object to trial by summary court-martial.	X	
f. The accused's right to inspect the allied papers and immediately available personnel records.	X	
g. The names of the witnesses who could be called to testify and any documents or physical evidence which the summary court-martial expected to introduce into evidence.	X	
h. The accused's right to cross-examine witnesses and have the summary court-martial cross-examine on behalf of the accused.	X	
i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.	X	
j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence.	X	
k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would be drawn by the summary court-martial from such silence.	X	
l. If any findings of guilty were announced, the accused's right to remain silent, to make an unsworn statement, oral or written or both, and to testify and to introduce evidence in extenuation or mitigation.	X	
m. The maximum sentence which could be adjudged if the accused was found guilty of the offense(s) alleged.	X	
n. The accused's right to plead guilty or not guilty.	X	

6. At the trial proceeding held on 14 January 19CY, the accused, after being given a reasonable time to decide,  did  did not object to trial by summary court-martial.

*(Initial)* HS

(Note: The SCM may ask the accused to initial this entry at the time the election is made.)

7a. The accused  was  was not represented by counsel. (If the accused was represented by counsel, complete b, c, and d below.)

b. NAME OF COUNSEL (Last, First, MI) <b>N/A</b>	c. RANK (If any) <b>N/A</b>
--	--------------------------------

d. COUNSEL QUALIFICATIONS  
**N/A**

8. The accused was arraigned on the attached charge(s) and specification(s). The accused's pleas and the findings reached are shown below:

CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (Including any exceptions and substitutions)
Charge I: Specification 1: Specification 2:  Charge II: Specification:	Guilty Guilty Not Guilty  Not Guilty Not Guilty	Guilty Guilty Not Guilty  Guilty Guilty, except for the figure "\$74.00" substituting therefor the figure "\$25.00". Of the excepted figure, Not Guilty. Of the substituted figure, Guilty.
Number of previous convictions considered: None.		

9. The following sentence was adjudged: To be confined for 15 days; to forfeit \$150.00 pay per month for the period of 1 month; and to be reduced to the grade of pay grade E-1.

10. The accused was advised of the right to request that confinement be deferred. (Note: When confinement is adjudged.)  
 YES       NO

11. The accused was advised of the right to submit written matters to the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General.  
 YES       NO

12. AUTHENTICATION  
*Brand S. New*  
 BRAND S. NEW, LT, USN  
 Signature of Summary Court-Martial

*14 January 1964*  
 Date

13. ACTION BY CONVENING AUTHORITY

\_\_\_\_\_  
 Typed Name of Convening Authority

\_\_\_\_\_  
 Position of Convening Authority

\_\_\_\_\_  
 Rank

\_\_\_\_\_  
 Signature of Convening Authority

\_\_\_\_\_  
 Date

DEPARTMENT OF THE NAVY  
USS OLDSHIP (DD 111)  
FPO AE 09501-9999

27 October 19CY(-1)

SUMMARY COURT-MARTIAL CONVENING ORDER 9-CY

Pursuant to authority contained in paragraph 0120c, Judge Advocate General of the Navy Instruction 5800.7C, of 3 October 1990, Lieutenant Brand S. New, U.S. Navy, is detailed a summary court-martial.

*Hang M. High*  
HANG M. HIGH  
Commander, U.S. Navy  
Commanding Officer  
USS OLDSHIP (DD 111)

## CHARGE SHEET

### I. PERSONAL DATA

1. NAME OF ACCUSED ( <i>Last, First, MI</i> ) SMITH, John J.			2. SSN 123-45-6789	3. GRADE OR RANK SN	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION USS OLDSHIP (DD 111)				6. CURRENT SERVICE	
				a. INITIAL DATE 5 Dec CY(-2)	b. TERM 4 years
7. PAY PER MONTH			3. NATURE OF RESTRAINT OF ACCUSED  None	9. DATE(S) IMPOSED  N/A	
a. BASIC \$725.00	b. SEA/FOREIGN DUTY \$50.00	c. TOTAL \$775.00			

### II. CHARGES AND SPECIFICATIONS

10. CHARGE: I: VIOLATION OF THE UCMJ, ARTICLE 86.

SPECIFICATION: 1: In that Seaman John J. Smith, U.S. Navy, USS Oldship, on active duty, did, on or about 6 December 19CY(-1), without authority, absent himself from his unit, to wit: USS Oldship, located at Newport, Rhode Island, and did remain so absent until on or about 15 December 19CY(-1).

Specification 2: In that Seaman John J. Smith, U.S. Navy, USS Oldship, on active duty, did, on board USS Oldship, at or about 0700 hours, 17 December 19CY(-1), without authority, fail to go at the time prescribed to his appointed place of duty, to wit: Special Seaman and Anchor Detail Station.

Charge II: Violation of the UCMJ, Article 121.

Specification: In that Seaman John J. Smith, U.S. Navy, USS Oldship, on active duty, did, on board USS Oldship, on or about 3 December 19CY(-1), steal one wristwatch, of a value of about \$74.00, the property of Machinist's Mate First Class Keep M. Running, U.S. Navy.

### III. PREFERRAL

11a. NAME OF ACCUSER ( <i>Last, First, MI</i> ) LAST, Willie T.	b. GRADE BMC, USN	c. ORGANIZATION OF ACCUSER USS ODLSHIP (DD 111)
d. SIGNATURE OF ACCUSER <i>Willie Last</i>		e. DATE <i>20 DEC (CY-1)</i>

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 20th day of December, 19 CY(-1), and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Will W. Wilson  
*Typed Name of Officer*

USS OLDSHIP (DD 111)  
*Organization of Officer*

LT, JAGC, USNR  
*Grade*

Legal Officer  
*Official Capacity to Administer Oath  
(See R.C.M. 307(b)—must be commissioned officer)*

*Will W. Wilson*  
*Signature*

12.

On 21 December, 19CY-1, the accused was informed of the charges against him ~~and~~ and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

Hang M. High

*Typed Name of Immediate Commander*

USS OLDSHIP (DD 111)

*Organization of Immediate Commander*

CDR, USN

Hang M. High  
*Signature*

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1100 hours, 21 December 19CY(-1) at USS OLDSHIP (DD 111)  
*Designation of Command or*

*Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)*

~~XXXXXXXX~~

Hang M. High

*Typed Name of Officer*

Commanding Officer

*Official Capacity of Officer Signing*

CDR, USN

*Grade*

Hang M. High  
*Signature*

V. REFERRAL: SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

USS OLDSHIP (DD 111)

b. PLACE

c. DATE

22 December 19CY(-1)

Referred for trial to the summary court-martial convened by my Summary Court-Martial Convening Order  
9-CY dated

27 October

19 CY(-1)

subject to the following instructions: 2 None.

~~XX~~  
By

~~XX~~  
Of

*Command or Order*

Hang M. High

*Typed Name of Officer*

Commanding Officer

*Official Capacity of Officer Signing*

CDR, USN

*Grade*

Hang M. High  
*Signature*

15.

On 24 December, 19 CY(-1), I ~~XXXXXXXX~~ served a copy hereof on ~~XXXXXX~~ the above named accused.

Brand S. New

*Typed Name of*

LT, USN

*Grade or Rank of*

Brand S. New  
*Signature*

~~XXXXXXXX~~ Summary Court-Martial

~~XXXXXXXX~~ Summary Court-Martial

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
2 - See R.C.M. 601(e) concerning instructions. If none, so state.

SUMMARIZED TESTIMONY OF MM1 KEEP M. RUNNING

PAGE 6 OF 16 DEC CY(-1)  
UA FROM 6 - 15 DEC CY(-1)



SUMMARIZED TESTIMONY OF SN JOHN J. SMITH

LETTER OF APPRECIATION ICO SN SMITH

EVALUATION ICO SN SMITH

**SUMMARY COURT-MARTIAL  
ACKNOWLEDGEMENT OF RIGHTS AND WAIVER**

I, SN John J. Smith, assigned to USS OIdSHIP (DD 111), acknowledge the following facts and rights regarding summary courts-martial:

1. I have the right to consult with a lawyer prior to deciding whether to accept or refuse trial by summary court-martial. Should I desire to consult with counsel, I understand that a military lawyer may be made available to advise me, free of charge, or, in the alternative, I may consult with a civilian lawyer at my own expense.

2. I realize that I may refuse trial by summary court-martial, in which event the commanding officer may refer the charge(s) to a special court-martial. My rights at a summary court-martial would include:

a. The right to confront and cross-examine all witnesses against me;

b. the right to plead not guilty and the right to remain silent, thus placing upon the government the burden of proving my guilt beyond a reasonable doubt;

c. the right to have the summary court-martial call, or subpoena, witnesses to testify in my behalf;

d. the right, if found guilty, to present matters which may mitigate the offense or demonstrate extenuating circumstances as to why I committed the offense; and

e. the right to be represented at trial by a civilian lawyer provided by me at my own expense, if such appearance will not unreasonably delay the proceedings and if military exigencies do not preclude it.

3. I understand that the maximum punishment which may be imposed at a summary court-martial is:

**On E-4 and below**

Confinement for 1 month

45 days hard labor without confinement

60 days restriction

Forfeiture of 2/3 pay for 1 month

Reduction to the lowest pay grade

**On E-5 and above**

60 days restriction

Forfeiture of 2/3 pay for 1 month

Reduction to next inferior pay grade

4. Should I refuse trial by summary court-martial, the commanding officer may refer the charge(s) to trial by special court-martial. At a special court-martial, in addition to those rights set forth above with respect to a summary court-martial, I would also have the following rights:

a. The right to be represented at trial by a military lawyer, free of charge, including a military lawyer of my own selection of he is reasonably available. I would also have the right to be represented by a civilian lawyer at my own expense.

b. The right to be tried by a special court-martial composed of at least three officers as members or, at my request, at least one-third of the court members would be enlisted personnel. If tried by a court-martial with members, two-thirds of the members, voting by secret written ballot, would have to agree in any finding of guilty, and two-thirds of the members would also have to agree on any sentence to be imposed should I be found guilty.

c. The right to request trial by a military judge alone. If tried by a military judge alone, the military judge alone would determine my guilt or innocence and, if found guilty, he alone would determine the sentence.

5. I understand that the maximum punishment which can be imposed at a special court-martial for the offense(s) presently charged against me is:

discharge from the naval service with a bad-conduct discharge ( delete if inappropriate);

confinement for 6 months;

forfeiture of 2/3 pay per month for 6 months;

reduction to the lowest enlisted pay grade (E-1).

Knowing and understanding my rights as set forth above, I (do) (do not) desire to consult with counsel before deciding whether to accept trial by summary court-martial.

Knowing and understanding my rights as set forth above (and having first consulted with counsel), I hereby (consent) (object) to trial by summary court-martial.

John J. Smith 1 JAN 64  
signature of accused and date  
Grand S. New 1 JAN 64  
signature of witness and date

SUMMARY COURT-MARTIAL

WAIVER OF RIGHT TO COUNSEL

I have been advised by the summary court-martial officer that I cannot be tried by summary court-martial without my consent. I have also been advised that if I consent to trial by summary court-martial I may be represented by civilian counsel provided at my own expense. If I do not desire to be represented by civilian counsel provided at my own expense, a military lawyer may be appointed to represent me upon my request, if such appearance will not unreasonably delay the proceedings and if military exigencies do not preclude it. It has also been explained to me that if I am represented by a lawyer (either civilian or military) at the summary court-martial, or if I waive (give up) the right to be represented by a lawyer, the summary court-martial will be considered a criminal conviction and will be admissible as such at any subsequent court-martial. On the other hand, if I request a military lawyer to represent me and a military lawyer is not available to represent me, or is not provided, and I am not represented by civilian lawyer, the results of the court-martial will not be admissible as a prior conviction at any subsequent court-martial.

*Bland S. New*

Signature of Summary Court-Martial

1 January 1964  
Date

*John J. Smith*

Signature of Accused

JOHN J. SMITH, SN/E-3  
123-45-6789

Typed Name, Rank,  
Social Security Number of  
Accused

SECTION 15

SPEEDY TRIAL ISSUES AND PRETRIAL RESTRAINT

This section of the Legalman/Legal Clerk Student Study Guide contains information relative to speedy trial issues and pretrial restraint.

DEPARTMENT OF THE NAVY  
USS PUGET SOUND (AD 38)  
FPO New York 09501

1640  
Ser 00/  
3 Jan CY

From: Commanding Officer, USS PUGET SOUND (AD 38)  
To: Initial Review Officer, Naval Station, Rota, Spain  
Subj: PRETRIAL CONFINEMENT ICO YN3 DAVID L. TYPIST, USN,  
222-22-2222  
Ref: (a) R.C.M. 305, MCM, 1984  
(b) SECNAVINST 1640.10

1. In accordance with references (a) and (b), the following information is provided for the purpose of conducting a hearing into the pretrial confinement of YN3 David L. Typist, USN, 222-22-2222.

a. Hour, date, and place of pretrial confinement:

1400, 2 January 19CY, Navy Brig, Naval Station, Rota

b. Offenses charged:

Violation of UCMJ, Article 86 -- Unauthorized absence from USS PUGET SOUND (AD 38) from 23 October 19CY(-1) until apprehended on 2 January 19CY.

c. General circumstances:

(1) Petty Officer Typist's absence commenced over liberty which expired on board at 0700, 23 October 19CY(-1). The circumstances, as related by Petty Officer Typist to his division officer, are that YN3 Typist was dissatisfied working in the admin office and did not like his immediate supervisor, and felt "picked on." He also relates that at the time of his absence, he was working "undercover" with the Naval Investigative Service and the ship's master-at-arms force in identifying drug abusers on board the naval station. He states that a fellow petty officer (whom he identified as a drug user) found out that YN3 Typist was the one responsible for a "bust" in which this petty officer was involved. This unidentified petty officer had threatened YN3 Typist with bodily harm. Apparently becoming scared, Petty Officer Typist fled the area.

(2) These facts are unfounded. I have learned through conversations with the Naval Investigative Service and my chief master-at-arms, that they have never used Petty Officer Typist in their programs, nor have they ever heard of YN3 Typist.



Subj: PRETRIAL CONFINEMENT ICO YN3 DAVID L. TYPIST, USN,  
222-22-2222

(3) Petty Officer Typist was apprehended by shore patrol at 1300, 2 January 19CY, at a local bar in Palma de Mallorca, Spain. I found it appropriate to place YN3 Typist in confinement due to the duration of the absence (approximately 72 days), and considering the absence was terminated by apprehension.

2. Previous disciplinary action:

a. CO's NJP, USS PUGET SOUND (AD 38) on 3 April 19CY(-1). Violation UCMJ, Article 86 -- Unauthorized absence from appointed place of duty. Awarded: 10 days extra duties.

b. CO's NJP, USS PUGET SOUND (AD 38) on 10 June 19CY(-1). Violation UCMJ, Article 86 -- Unauthorized absence from unit (approximately 3 days). Awarded: Forfeiture of \$100.00 pay per month for 1 month and 30 days restriction.

c. CO's NJP, USS PUGET SOUND (AD 38) on 12 July 19CY(-1). Violation of UCMJ, Article 86 (6 specifications) -- Failure to go to appointed place of duty, to wit: Restricted men's muster. Awarded: 30 days extra duties and forfeiture of \$100.00 pay per month for 2 months.

3. Extenuating or Mitigating circumstances: None.

4. Due to the aforementioned information, continued pretrial confinement is deemed appropriate in this case. Petty Officer Typist has a history of unauthorized absences, which indicates to me the solution to any of his problems is to absent himself without authority. YN3 Typist has shown that a lesser form of restraint would be inadequate as evidenced by paragraph 2.c., above (failure to go to restricted men's musters). Charges have been preferred to trial by special court-martial, and no unusual delays are expected in this case. Given the nature of the offense charged and the sentence which could be imposed by court-martial for this offense, it is felt YN3 Typist would again flee to avoid prosecution.

*Robert R. Roberts*

ROBERT R. ROBERTS

4 Jan CY

From: Initial Review Officer, Naval Station, Rota, Spain  
To: Commanding Officer, USS PUGET SOUND (AD 38)

Subj: PRETRIAL CONFINEMENT ICO YN3 DAVID L. TYPIST, USN,  
222-22-2222

Ref: (a) R.C.M. 305, MCM, 1984  
(b) SECNAVINST 1640.10  
(c) USS PUGET SOUND (AD 38) ltr of 3 Jan CY

1. In accordance with the provisions of references (a) and (b), a hearing concerning the pretrial confinement of YN3 Typist was conducted on 4 January 19CY. All information available at the time of the hearing, in addition to the comments and recommendations set forth in reference (c), have been reviewed.

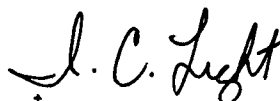
2. At the hearing, YN3 Typist was afforded all rights set forth in references (a) and (b). Petty Officer Typist was represented by LT P. T. Pertee, JAGC, USNR, Naval Legal Service Office Detachment, Rota, Spain, who was detailed pursuant to the confinee's request for military counsel. LT I. O. Ewe, USN, Legal Officer, USS PUGET SOUND (AD 38) was present, acting in the capacity of command representative.

3. Having waived his right to remain silent, YN3 Typist was willing to discuss his absence with me. His reasons for going UA, as stated in reference (c), remain basically the same. Petty Officer Typist stands firm on his story concerning his involvement with the Naval Investigative Service. However, upon advisement of his counsel, YN3 Typist terminated the questioning. LT Ewe, command representative, had nothing further to offer except to reconfirm the command's position that continued confinement is warranted.

4. I find there is probable cause to believe the confinee committed the offense, and that court-martial jurisdiction does exist over the confinee and the offense charged. I find no cause to extend the time limit for completion of this review.

5. Subject to the foregoing, I find continued pretrial confinement appropriate in this case. The confinee should be brought to trial as soon hereafter as practicable, barring any unforeseen delays.

6. Pursuant to paragraphs (i)(7) and (j) of reference (a), reconsideration of this decision may be appropriate at a later date.



I. C. LIGHT  
CDR USN



NOTIFICATION OF PRETRIAL CONFINEMENT AND ITS REVIEW PROCESS

2 Jan CY

1. You have been placed in pretrial confinement pending trial by court-martial. As required by Rule 305(e) of the Manual for Courts-Martial, the following information is provided concerning this confinement and the procedures by which it will be reviewed.

a. The nature of the offense(s) for which you are being confined are:

Violation of UCMJ, Article 86: Unauthorized absence from USS PUGET SOUND (AD 38), from 23 October 19CY(-1) until apprehended on 2 January 19CY.

b. You have the right to:

(1) Remain silent, and any statement made by you may be used against you at a court-martial or other disciplinary or administrative proceeding.

(2) Retain a civilian lawyer, at no expense to the government.

(3) Request assignment of a military lawyer, at no cost to you, for the limited purpose of representing you only during the pretrial confinement proceedings before charges are referred.

c. If confinement was initially ordered by your command, your case must be reviewed within 48 hours to decide if pretrial confinement will continue. If you were ordered into confinement by a command other than your own, your command must review your case within 48 hours after being notified by the command that confined you. (The command initially ordering you in pretrial confinement must notify your parent command within 24 hours of placing you in pretrial confinement).

d. If your command releases you from pretrial confinement, no further action on your pretrial confinement will be taken.

e. If your command concludes that continued pretrial confinement is necessary, your command must prepare a written memorandum stating the reasons for the following conclusions:

(1) That an offense triable by court-martial was committed;

(2) that you committed it; and

(3) that confinement is necessary because it is foreseeable that you:

investigation; or (a) will not appear at trial, pretrial hearing, or

and (b) will engage in serious criminal misconduct;

(c) that less severe forms of restraint are inadequate.

f. The memorandum prepared by your command will be forwarded to a reviewing officer, who must review your case within 7 days of imposition of confinement. After this review, the reviewing officer will decide if your pretrial confinement will, or will not continue.

g. You and your lawyer, military and/or civilian (if you have either or both), shall be allowed to appear before the reviewing officer, if practicable, and make a statement and submit any matters you wish to be considered by the reviewing officer.

h. The requirements for confinement as set forth in subparagraph 1e, above, must be proved by a preponderance of the evidence.

i. The reviewing officer may, for good cause, extend the time limit for completion of the initial review to 10 days after the imposition of pretrial confinement.

j. Upon completion of review, the reviewing officer shall approve continued confinement or order immediate release.

2. After completion of this review, the reviewing officer's conclusions, including the factual findings on which they are based, shall be set forth in a written memorandum. A copy of the memorandum and all other documents considered by the reviewing officer shall be maintained in your case until completion of appellate review, and provided to you or the government on request.

3. The reviewing officer shall, after notice to the parties, reconsider the decision to confine you, if you so request such reconsideration. This reconsideration shall be based upon any significant information not previously considered. In addition, once the charges for which you have been confined are referred to trial, the military judge shall review the propriety of pretrial confinement upon motion for appropriate relief.

*I. O. Ewe*

I. O. EWE  
LT USN  
Legal Officer

ACKNOWLEDGEMENT

Knowing and understanding the pretrial confinement review process and my rights as set forth above, I, David L. Typist, hereby:

1. Lawyer Assignment: (Initial One)

*DLT* Request assignment of a military lawyer for the limited purpose of representing me during the pretrial confinement proceeding only.

( ) Do not request assignment of a military lawyer for the limited purpose of representing me during the pretrial confinement proceeding only.

2. Personal Appearance: (Initial One)

*DLT* Request to personally appear before the reviewing officer who will review my pretrial confinement.

( ) Do not request to personally appear before the reviewing officer who will review my pretrial confinement.

David L. Typist, 2 Jan 67  
(Confinee's Signature) (Date)

Witnessed by:

I. O. Ewe, 2 Jan 67  
(Witness' Signature) (Date)

I. O. EWE, LT, USN  
Legal Officer, USS PUGET SOUND (AD 38)

SECTION 16

LEGAL OFFICER/STAFF JUDGE ADVOCATE REVIEW

This section of the Legalman/Legal Clerk Student Study guide contains information relative to the legal officer/staff judge advocate review.

Staff Judge Advocate Recommendation

7 Jul CY

From: Staff Judge Advocate, Naval Surface Group FOUR  
To: Commander, Naval Surface Group FOUR

Subj: RECOMMENDATION IN THE SPECIAL COURT-MARTIAL CASE OF YNSN  
JOHN Q. PUBLIC, USN, 111-22-3333

Ref: (a) R.C.M. 1106, MCM, 1984  
(b) JAGMAN 0151c

Encl: (1) Record of trial in the case of YNSN John Q. Public,  
USN

1. Pursuant to references (a) and (b), the following information  
is provided:

a. Offenses, pleas, and findings:

Charges and specifications	Pleas	Findings
Charge I: Violation of Article 86, UCMJ.	Guilty	Guilty
Specification: Unauthorized absence from his unit, USS Edson, from 13 July 19CY(-1) to his surrender on 5 March 19CY.	Guilty	Guilty
Charge II: Violation of Article 121, UCMJ.	Guilty	Guilty
Specification: Larceny of a radio of a value of about \$125.00, the property of Fireman Stoke T. Coals, U.S. Navy.	Guilty	Guilty

b. Sentence adjudged: On 15 June 19CY, the accused was  
sentenced to reduction to the grade of pay grade E-2, confinement  
for a period of 120 days, forfeiture of \$200.00 pay per month for  
4 months, and to be discharged from the naval service with a bad  
conduct discharge.

c. Clemency recommendation by court or military judge:  
None.

d. Summary of accused's service record:

(1) Length of service: 3 years.  
(2) Character of service: 3.4 average of evaluation  
traits.



Subj: RECOMMENDATION IN THE SPECIAL COURT-MARTIAL CASE OF YNSN  
JOHN Q. PUBLIC, USN, 111-22-3333

(3) Awards and decorations: The accused is not entitled to any awards, medals or commendations, except the Sea Service Deployment Ribbon.

(4) Records of prior nonjudicial punishment: CO's NJP on 1 September 19CY(-2) for a violation of Article 86, UCMJ, for missing morning muster on 25 August 19CY(-2). Awarded 15 days restriction to the limits.

(5) Previous convictions: Conviction by summary court-martial at which he was represented by lawyer counsel on 8 October 19CY(-2) for a violation of Article 121, UCMJ, wrongful appropriation of government property, for which a sentence of 1 month confinement and reduction to the grade of pay grade E-1 was finally approved. Conviction by special court-martial on 17 February 19CY(-1) for a violation of Article 86, UCMJ, unauthorized absence for a period of 27 days, for which a sentence of confinement for 1 month and forfeiture of \$50.00 pay per month for 2 months was finally approved.

(6) Other matters of significance: YNSN Public is 20 years of age, married with nine dependent children. His wife is presently expecting another child. The accused has been in the Navy for 3 years, having enlisted in the Navy on 12 June 19CY(-3) for a period of 4 years. YNSN Public's AFQT is 52. YNSN Public's educational background indicates that he completed the 12th grade.

e. Nature and duration of pretrial restraint: The accused was in pretrial confinement from 10 April to 4 June 19CY, a period of 56 days. In accordance with the decision rendered in United States v. Allen, 17 M.J. 126, the accused will be credited with 56 days of confinement against the sentence to confinement adjudged.

f. Judicially-ordered credit to be applied to confinement, if any: None.

g. Terms and conditions of pretrial agreement, if any, which the convening authority is obligated to honor or reasons why the convening authority is not obligated to take specific action under the agreement: A pretrial agreement was submitted in this case and approved on 12 June 19CY. In return for the accused's provident guilty plea to all charges and specifications, the

Subj: RECOMMENDATION IN THE SPECIAL COURT-MARTIAL CASE OF YNSN  
JOHN Q. PUBLIC, USN, 111-22-3333

terms of this agreement called for a limitation on the punishment as follows:

Punitive discharge:	As adjudged.
Confinement or Restraint:	If adjudged, confinement in excess of 90 days will be disapproved.
Forfeitures or fines:	If adjudged, forfeitures in excess of \$150.00 pay per month for a period of 3 months will be disapproved.
Reduction to [rate or grade]:	As adjudged.

Your obligation concerning the terms of the pretrial agreement in this case are as follows: Since the confinement awarded exceeds that provided for in the pretrial agreement, you are obligated to disapprove that portion which exceeds 90 days. The forfeitures awarded also exceed the provisions of the pretrial agreement. In accordance with that agreement, you may only approve forfeitures of \$150.00 pay per months for 3 months. The reduction to the grade of pay grade E-2 and the bad conduct discharge may be approved as adjudged.

The 56 days of administrative credit to be awarded in accordance with United States v. Allen, will be administered by the confinement facility and should not be addressed in your convening authority's action.

h. The record of trial was served on the accused on 5 July 19CY. On behalf of the accused, the detailed defense counsel, LCDR I. Freeum, JAGC, USNR, has submitted a request for clemency in the form of reduction in confinement to be approved.

2. In my opinion, the court was properly constituted and had jurisdiction over the accused and the offense. The accused was found guilty in accordance with his pleas. The proceedings were conducted in substantial compliance with current regulation and policy. The offenses of which the accused was found guilty are

Subj: RECOMMENDATION IN THE SPECIAL COURT-MARTIAL CASE OF YNSN  
JOHN Q. PUBLIC, USN, 111-22-3333

described as offenses under the UCMJ. There is no error noted nor any issues of error raised by the accused or his counsel. The sentence as adjudged is legal and appropriate.

3. I recommend that the sentence as adjudged be approved in accordance with the terms of the pretrial agreement. I further recommend that YNSN Public be reduced to the grade of pay grade E-1 as authorized by Article 58a(a) of the Uniform Code of Military Justice.

*U. R. Guilty*

U. R. GUILTY  
LCDR, JAGC, USN

Memorandum forwarding Staff Judge Advocate Recommendation to  
Detailed Defense Counsel

9 Jul CY

From: Staff Judge Advocate, Naval Surface Group FOUR  
To: LCDR I. Freeum, JAGC, USNR, Naval Legal Service Office  
Detachment, Newport

Subj: RECOMMENDATION IN THE SPECIAL COURT-MARTIAL CASE OF YEOMAN  
SEAMAN JOHN Q. PUBLIC, USN, 111-22-3333

Ref: (a) Article 34, UCMJ  
(b) R.C.M. 1106(f)(1)

Encl: (1) Copy of Staff Judge Advocate's Recommendation in the  
case of YNSN John Q. Public, USN  
(2) Acknowledgement Receipt

1. Pursuant to reference (a), a review of the court-martial of  
YNSN Public has been conducted. Enclosure (1) is a copy of this  
review.

2. Pursuant to rules established by reference (b), you are  
hereby served with a copy of this review in order to afford you  
an opportunity to correct or challenge any matter therein which  
you may deem erroneous, inadequate or misleading, or upon which  
you may otherwise wish to comment. Proof of service of this  
review upon you, together with any such correction, challenge or  
comment you may make, shall be made a part of the record of  
proceedings.

3. You are advised that your failure to take advantage of the  
aforementioned opportunity within 10 calendar days from date of  
this service will normally be deemed a waiver of any error in the  
review.

4. You are requested to acknowledge receipt of this letter, with  
attached copy of review, by immediately completing enclosure (2).

*U. R. Guilty*

U. R. GUILTY  
LCDR, JAGC, USN

(USE THIS SAME FORMAT FOR YOUR FORWARDING MEMORANDUM TO THE  
ACCUSED)

Defense Counsel's Acknowledgement of Receipt of Staff Judge Advocate Recommendation

11 Jul CY

From: LCDR I. Freeum, JAGC, USNR, Naval Legal Service Office  
Detachment, Newport

To: Staff Judge Advocate, Naval Surface Group FOUR

Subj: RECOMMENDATION IN THE SPECIAL COURT-MARTIAL CASE OF YEOMAN  
SEAMAN JOHN Q. PUBLIC, USN, 111-22-3333

1. I, the undersigned, counsel for the accused in the above-captioned proceedings, hereby acknowledge receipt of the aforementioned staff judge advocate's review required by Article 64, UCMJ, for the subject case on this 11th day of July 19CY.

*I. Freeum*

I. FREEUM

Detailed Defense Counsel's response to Staff Judge Advocate Recommendation

DEPARTMENT OF THE NAVY  
Naval Legal Service Office Detachment  
Newport, Rhode Island 02841-5032

13 Jul CY

From: LCDR I. Freeum, JAGC, USNR, Naval Legal Service Office  
Detachment, Newport  
To: Staff Judge Advocate, Naval Surface Group FOUR  
Subj: RECOMMENDATION IN THE SPECIAL COURT-MARTIAL CASE OF YEOMAN  
SEAMAN JOHN Q. PUBLIC, USN, 111-22-3333  
Ref: (a) Staff Judge Advocate Recommendation in the case of  
YNSN John Q. Public, USN  
(b) R.C.M. 1106(f)(4)  
Encl: (1) Mr. & Mrs. Ronald Public ltr of 29 Jun CY  
(2) Mrs. Victoria Public ltr of 5 Jul CY

1. Reference (a) was received by me on 11 July 19CY and has been reviewed pursuant to reference (b).
2. I do not desire to submit a correction, challenge, or comment to the attached review.
3. I have attached letters from the accused's parents and his wife, Mrs. Public, for the convening authority's consideration.

*I. Freeum*

I. FREEUM

SECTION 17

CONVENING AND REVIEWING AUTHORITY ACTION

This section of the Legalman/Legal Clerk Student Study Guide contains information and samples relative to the preparation of convening and reviewing authority actions on a record of trial.

The samples contained herein do not cover every situation you may encounter in the preparation of an action on a record of trial. These samples were prepared to give you an idea as to format requirements.

When tasked with the responsibility of preparing an action, refer to the Manual for Courts-Martial, 1984, Appendix 16, and these samples. Chapter XIV of the Military Justice Study Guide include various samples outlined in Appendix 16 with a brief explanation of when the samples should be used. Remember, you may utilize the verbiage contained in either the summary, special or general courts-martial sections to meet your requirements.

DEPARTMENT OF THE NAVY  
Naval Justice School  
Newport, Rhode Island 02841-5030

1 February 19CY

In the case of Boatswain's Mate Seaman Mickey E. Mouse, 123-45-5789, U.S. Navy, tried by special court-martial on 18 January 19CY, the court had jurisdiction over the accused and the offense(s) for which he was tried and the court was properly convened and constituted.

*H. S. Law*  
H. S. LAW  
Captain, JAGC, U.S. Navy  
Commanding Officer  
Naval Justice School  
Newport, Rhode Island

Convening Authority's Action - Acquittal Record of Trial



DEPARTMENT OF THE NAVY  
Naval Justice School  
Newport, Rhode Island 02841-5030

1 February 19CY

In the case of Personnelman Third Class Mickey E. Mantel, U.S. Navy, 444-44-9944, the sentence is approved and will be executed. The Navy Brig, Naval Education and Training Center, Newport, Rhode Island, is designated as the place of confinement.

In accordance with Article 58a(a), UCMJ and JAGMAN, Section 0152c, automatic reduction to the grade of pay grade E-1 is effected as of the date of this action.

In taking this action, the record of trial, the results of trial, and the letters of clemency submitted by the defense counsel on 31 January 19CY, have been considered.

The record of trial is forwarded to the Staff Judge Advocate, Commander Naval Education and Training Center, Newport, Rhode island, for review under Article 64(a), UCMJ.

*H. S. Law*

H. S. LAW  
Captain, JAGC, U.S. Navy  
Commanding Officer  
Naval Justice School  
Newport, Rhode island

Convening Authority's Action - Sentence awarded at trial approved and ordered executed.

In this sample, the sentence does not include a punitive discharge, death or dismissal, and the paragraph pertaining to automatic reduction should be included only if the sentence awarded and approved contains confinement in excess of 90 days.

Page 17-5 shows the approval of part of the sentence and partial order of execution of the sentence awarded at trial. The convening authority only approved part of the sentence adjudged by the court. The court sentenced the accused to reduction to the grade of pay grade E-2, confinement for 120 days, forfeiture of \$200.00 pay per month for 4 months, and a bad conduct discharge. The convening authority approved the reduction to E-2 and the bad conduct discharge, but approved only 90 days of confinement and forfeitures of only \$150.00 pay per month for 3 months.

The provisions of Article 58a(a), automatic reduction, are included in this case only because the reduction awarded by the court was from E-3 to E-2. Had the court reduced the accused to E-1, and that portion of the sentence approved and ordered executed, Article 58a(a) would no longer have been applicable.

DEPARTMENT OF THE NAVY  
Naval Surface Group FOUR  
Newport, Rhode Island 02841-5061

26 July 19CY

In the case of Yeoman Seaman John Q. Public, U.S. Navy, 111-22-3333, only so much of the sentence as provides for reduction to the grade of pay grade E-2, confinement for 90 days, forfeiture of \$150.00 pay per month for 3 months, and a bad conduct discharge is approved and, except for the part of the sentence extending to bad conduct discharge, will be executed. The Naval Consolidated Brig, Charleston, South Carolina, is designated as the place of confinement.

In accordance with Article 58a(a), UCMJ and JAGMAN, Section 0152c, automatic reduction to the grade of pay grade E-1 is effected as of the date of this action.

A copy of the Staff Judge Advocate's recommendation was submitted to the accused's defense counsel on 11 July 19CY, in accordance with R.C.M. 1106(f), MCM, 1984. The defense counsel submitted two requests for clemency on 13 July 19CY.

In taking this action, the record of trial, the results of trial, the recommendation of the Staff Judge Advocate, and the letters of clemency submitted by the defense counsel on 13 July 19CY, have been considered.

The record of trial is forwarded to the Navy-Marine Corps Court of Criminal Appeals (Code 40.31), Office of the Judge Advocate General, Washington Navy Yard, Building 111, Washington, D.C. 20374-1111 for review under Article 66, UCMJ.

*D. D. Duck*

D. D. DUCK  
Captain, U.S. Navy  
Commander, Naval Surface  
Group FOUR  
Newport, Rhode Island

DEPARTMENT OF THE NAVY  
Naval Surface Group FOUR  
Newport, Rhode Island 02841-5061

26 July 19CY

In the case of Yeoman Seaman John Q. Public, U.S. Navy, 111-22-3333, the sentence is approved and, except for the part of the sentence extending to bad conduct discharge, will be executed. The Naval Consolidated Brig, Charleston, South Carolina, is designated as the place of confinement.

In accordance with Article 58a(a), UCMJ and JAGMAN, Section 0152c, automatic reduction to the grade of pay grade E-1 is effected as of the date of this action.

A copy of the Staff Judge Advocate's recommendation was submitted to the accused's defense counsel on 11 July 19CY, in accordance with R.C.M. 1106(f), MCM, 1984. The defense counsel submitted two requests for clemency on 13 July 19CY.

In taking this action, the record of trial, the results of trial, the recommendation of the Staff Judge Advocate, and the letters of clemency submitted by the defense counsel on 13 July 19CY, have been considered.

The record of trial is forwarded to the Navy-Marine Corps Court of Criminal Appeals (Code 40.31), Office of the Judge Advocate General, Washington Navy Yard, Building 111, Washington, D.C. 20374-1111 for review under Article 66, UCMJ.

*D. D. Duck*

D. D. DUCK  
Captain, U.S. Navy  
Commander, Naval Surface  
Group FOUR  
Newport, Rhode Island

STRAIGHT APPROVAL - Sentence adjudged by the court, approved by the convening authority and all but the bad conduct discharge ordered executed.

NOTE: If no matters were submitted, the following would be inserted as paragraph 3:

A copy of the Staff Judge Advocate's recommendation was submitted to the accused's defense counsel on 11 July 19CY, in accordance with R.C.M. 1106(f), MCM, 1984. No matters were received under R.C.M. 1105 and no response was received by the accused or defense counsel in response to the Staff Judge Advocate recommendation under R.C.M. 1106.

The following are completed samples of forms contained in Appendix 16, Manual for Courts-Martial:

The court adjudged a sentence of confinement for 6 months, forfeiture of \$200.00 pay per month for 6 months, and reduction to the grade of pay grade E-1.

Form 1. Adjudged sentence approved and order executed without modification:

In the case of Yeoman Seaman John Q. Public, U.S. Navy, 111-22-3333, the sentence is approved and will be executed. The Naval Consolidated Brig, Charleston, South Carolina, is designated as the place of confinement.

Form 2. Adjudged sentence approved in part (modified) and ordered executed:

In the case of Yeoman Seaman John Q. Public, U.S. Navy, 111-22-3333, only so much of the sentence as provides for confinement for 3 months and reduction to the grade of pay grade E-1 is approved and will be executed. The Naval Consolidated Brig, Charleston, South Carolina, is designated as the place of confinement.

**NOTE:** Since there is no mention of the forfeiture, it was not approved and YNSN Public will not forfeit his money. Also, the period of confinement was reduced from 6 months to 3 months.

Form 5. Adjudged sentence approved and entire sentence suspended:

In the case of Yeoman Seaman John Q. Public, U.S. Navy, 111-22-3333, the sentence is approved. Execution of the sentence is suspended for 6 months from the date of trial, at which time, unless the suspension is sooner vacated, the sentence will be remitted without further action. The Naval Consolidated Brig, Charleston, South Carolina, is designated as the place of confinement.

Form 6. Adjudged sentence approved with part of the sentence suspended:

In the case of Yeoman Seaman John Q. Public, U.S. Navy, 111-22-3333, the sentence is approved and will be executed, but the execution of that part of the sentence extending to confinement in excess of 3 months is suspended for 12 months from the date of trial, at which time, unless the suspension is sooner vacated, the suspended part of the sentence will be remitted without further action. The Naval Consolidated Brig, Charleston, South Carolina, is designated as the place of confinement.

Form 14. Adjudged sentence approved; part of sentence, other than dismissal or dishonorable or bad conduct discharge, suspended:

In the case of Yeoman Seaman John Q. Public, U.S. Navy, 111-22-3333, the sentence is approved and except for the part of the sentence extending to bad conduct discharge, will be executed, but the execution of that part of the sentence extending to confinement in excess of 3 months is suspended for 12 months from the date of trial, at which time, unless the suspension is sooner vacated, the suspended part of the sentence will be remitted without further action. The Naval Consolidated Brig, Charleston, South Carolina, is designated as the place of confinement.

## SECTION 18

### PROMULGATING ORDERS FOR SPECIAL AND GENERAL COURTS-MARTIAL

This section of the Legalman/Legal Clerk Student Study Guide contains sample promulgating orders for special and general courts-martial.

A promulgating order publishes the results of a court-martial and the action taken by the convening authority. The action of the convening authority on Page 17-5 of your Student Study Guide has been entered verbatim in the promulgating order shown on Page 18-2 of your Student Study Guide.

The action of the convening authority is always prepared first and then entered verbatim in the promulgating order.

DEPARTMENT OF THE NAVY  
Naval Surface Group FOUR  
Newport, Rhode Island 02841-5061

26 July 19CY

Special Court-Martial Order No. 2-CY

Yeoman Seaman John Q. Public, U.S. Navy, 111-22-3333, Naval Surface Group FOUR, Newport, Rhode Island, was arraigned at Naval Legal Service Office, Newport, Rhode Island, on the following offenses at a court-martial convened by this command.

CHARGE I: ARTICLE 86. Plea: G. Finding: G.

Specification: Unauthorized absence from his unit, USS Edson, from 13 July 19CY(-1) to his surrender on 5 March 19CY.  
Plea: G. Finding: G.

CHARGE II: ARTICLE 121. Plea: G. Finding: G.

Specification: Larceny of a radio of a value of about \$125.00, the property of Fireman Stoke T. Coals, U.S. Navy. Plea: G.  
Finding: G.

SENTENCE

Sentence adjudged on 15 June 19CY: To be reduced to the grade of pay grade E-2, to be confined for 120 days, to forfeit \$200.00 pay per month for 4 months, and to be discharged from the naval service with a bad conduct discharge.

ACTION

DEPARTMENT OF THE NAVY  
Naval Surface Group FOUR  
Newport, Rhode Island 02841-5061

26 July 19CY

In the case of Yeoman Seaman John Q. Public, U.S. Navy, 111-22-3333, only so much of the sentence as provides for reduction to the grade of pay grade E-2, confinement for 90 days, forfeiture of \$150.00 pay per month for 3 months, and a bad conduct discharge is approved and, except for the part of the sentence extending to bad conduct discharge, will be executed. The Naval Consolidated Brig, Charleston, South Carolina, is designated as the place of confinement.

In accordance with Article 58a(a), UCMJ, and JAGMAN, Section 0152c, automatic reduction to the grade of pay grade E-1 is effected as of the date of this action.

A copy of the Staff Judge Advocate's recommendation was submitted to the accused's defense counsel on 11 July 19CY, in accordance with R.C.M. 1106(f), MCM, 1984. The defense counsel submitted two requests for clemency on 13 July 19CY.



In taking this action, the record of trial, the results of trial, the recommendation of the Staff Judge Advocate, and the letters of clemency submitted by the defense counsel on 13 July 19CY, have been considered.

The record of trial is forwarded to the Navy-Marine Corps Court of Criminal Appeals (Code 40.31), Office of the Judge Advocate General, Washington Navy Yard, Building 111, Washington, D.C. 20374-1111 for review under Article 66, UCMJ.

/s/ D. D. Duck  
D. D. DUCK  
Captain, U.S. Navy  
Commander, Naval Surface  
Group FOUR  
Newport, Rhode Island

*U. R. Guilty*

U. R. GUILTY  
Lieutenant Commander  
JAGC, U.S. Navy  
Staff Judge Advocate  
Naval Surface Group FOUR  
Newport, Rhode Island  
By direction of D. D. Duck  
Captain, U.S. Navy  
Commander, Naval Surface  
Group FOUR  
Newport, Rhode Island

**Distribution:**

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Certified Copies - 3 to original ROT  
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    2 to NAVCONBRIG Charleston, SC  
    1 to BUPERS (PERS-83)  
    1 to COMNAVSURFGRU FOUR Newport, RI  
    1 to COMNAVBASE Charleston, SC  
    1 to COMNAVSURFLANT Norfolk, VA  
Plain Copies - 1 to accused  
    1 to NAVLEGSVCOFF Newport, RI  
    1 to MJ  
    1 to TC  
    1 to DC  
    1 to COMNAVSURFGRU FOUR Newport, RI  
    1 to USS EDSON (DD 946)  
    1 to USS SAMUEL B. ROBERTS (FFG 58)  
    1 to USS SIMPSON (FFG 56)

DEPARTMENT OF THE NAVY  
Naval Surface Group FOUR  
Newport, Rhode Island 02841-5061

15 May 19CY(+1)

Supplemental Court-Martial Order No. 1-CY(+1)

In the special court-martial case of Yeoman Seaman John Q. Public, U.S. Navy, 111-22-3333, the sentence to bad conduct discharge, as promulgated in Special Court-Martial Order No. 2-CY, Commander, Naval Surface Group FOUR, Newport, Rhode Island, dated 26 July 19CY, has been affirmed by the Navy-Marine Corps Court of Criminal Appeals, NMCA CY(+1) 5464, dated 23 April 19CY(+1). Article 71(c) having been complied with, the bad conduct discharge will be executed.

*U. R. Guilty*

U. R. GUILTY  
Commander, JAGC, U.S. Navy  
Staff Judge Advocate  
Naval Surface Group FOUR  
Newport, Rhode Island  
By direction of D. D. Duck  
Captain, U.S. Navy  
Commander, Naval Surface  
Group FOUR  
Newport, Rhode Island

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1 to BUPERS (PERS-83)

1 to COMNAVSURFGRU FOUR Newport, RI

1 to COMNAVBASE Charleston, SC

1 to COMNAVSURFLANT Norfolk, VA

1 to PRESNAVCLEMPARBD

Plain Copies - 1 to accused

1 to NAVLEGSVCOFF Newport, RI

1 to MJ

1 to TC

1 to DC

1 to COMNAVSURFGRU FOUR Newport, RI

1 to USS EDSON (DD 946)

1 to USS SAMUEL B. ROBERTS (FFG 58)

1 to USS SIMPSON (FFG 56)

SECTION 19

POST-TRIAL SERVICE RECORD ENTRIES

This section of the Legalman/Legal Clerk Student Study Guide contains sample service record entries necessary to report post-trial action on convictions by courts-martial and subsequent reviewing authority actions.

When you are trying to determine which service record entries are required in order to properly document the results of a trial there are several things to consider.

There are several types of punishment which the court could adjudge. Some of these punishments will affect the accused's pay and some will not.

The types of punishment which affect an accused's pay are:

- (1) Reduction in Rate
- (2) Forfeiture of Pay, and
- (3) Fine

The types of punishment which do not affect the accused's pay are:

- (1) Confinement
- (2) Hard Labor Without Confinement
- (3) Restriction
- (4) Admonition or Reprimand, and
- (5) Punitive Discharge (DD and BCD)

You must also realize that even though the convening authority has approved a sentence, or any part of a sentence, he may still desire to suspend that sentence or, any portion of that sentence. If the convening authority does suspend a sentence, or any portion thereof, it may have a bearing on the type of service record entries you will be required to make.

Notice that the service record pages we are concerned with in this regard are Page 4, Page 7, Page 9, and Page 13. However, not all of these pages will be used in every case. You will have to determine when any particular entry is required based upon the facts of the case you are working with.

There are a couple of general rules to be learned at this point:

- (1) If the sentence affects the accused's pay then you would normally prepare a Page 7 entry;
- (2) If the sentence includes confinement you will prepare a Page 7 entry;
- (3) If the sentence includes a reduction in rate you will prepare a Page 4 entry, in addition to a Page 7 entry; and
- (4) If the sentence does not affect the accused's pay, or does not include confinement, you will prepare a Page 13 entry.

There are some exceptions to the above general rules which will be explained in greater detail during the lecture on this material. The following samples are not intended to be all inclusive, but are intended to show you the various entries that are required in some of the many situations you may come across in the field.

#### PAGE 4 ENTRIES

There are a few basic rules which you should consider when trying to determine when you will be required to make a Page 4 entry.

- Rule 1: If the sentence, as approved and ordered executed by the convening authority, includes a reduction in rate, you WILL prepare a Page 4 entry.
- Rule 2: If the sentence includes a reduction in rate which has been approved but, instead of being ordered executed, has been suspended for a specified period of time by the convening authority, then you WILL NOT prepare a Page 4 entry at this time.
- Rule 3: If the reduction in rate has been suspended by the convening authority for a specified period of time, and then during that period of time the accused violates the terms of the suspension then the convening authority will most likely order that the suspended reduction in rate be executed. When this happens, you must prepare a Page 7 entry to effect the reduction, and a Page 4 entry to document the reduction. The effective date and the time in rate date on such entries will be the date that the convening authority ordered the suspended reduction in rate vacated.

5. NAVY SERVICE SCHOOLS/MILITARY TRAINING COURSES									
COURSE TITLE/SCHOOL			NEC	DATE ENROLLED/COMPLETED	COURSE TITLE/SCHOOL			NEC	DATE ENROLLED/COMPLETED
COURSE LENGTH	GRADE	MANNER OF COMPLETION		INIT	COURSE LENGTH	GRADE	MANNER OF COMPLETION		INIT
		<input type="checkbox"/> GRADUATED	<input type="checkbox"/> DROPPED				<input type="checkbox"/> GRADUATED	<input type="checkbox"/> DROPPED	
COURSE TITLE/SCHOOL			NEC	DATE ENROLLED/COMPLETED	COURSE TITLE/SCHOOL			NEC	DATE ENROLLED/COMPLETED
COURSE LENGTH	GRADE	MANNER OF COMPLETION		INIT	COURSE LENGTH	GRADE	MANNER OF COMPLETION		INIT
		<input type="checkbox"/> GRADUATED	<input type="checkbox"/> DROPPED				<input type="checkbox"/> GRADUATED	<input type="checkbox"/> DROPPED	

6. CORRESPONDENCE COURSES REQUIRED FOR ADVANCEMENT					
DESCRIPTION OF COURSE, RATE OR NAVPERS NUMBER		DATE COMPLETED	INIT	DESCRIPTION OF COURSE, RATE OR NAVPERS NUMBER	

7. NAVY ENLISTED CLASSIFICATIONS				8. PERSONNEL ADVANCEMENT REQUIREMENTS		
PRIMARY CODE	SECONDARY CODE	DATE	INIT	DESCRIPTION	DATE COMPLETED	INIT

9. ENLISTED RATE/RATING				10. DESIGNATOR RECORD			
RATE	DATE	TIME IN RATE	INIT	DATE	DESIGNATOR	QUAL/REVOCATION	INIT
SR-SA	16JANCY-3	16JANCY-3	JLM				
SA-BTFA	23MARCY-3	23MARCY-3	JLM				
BTFA-BTFN	16AUGCY-3	16AUGCY-3	JLM				
BTFN-BT3	16FEBCY-1	16FEBCY-1	JLM				
BT3-BTFN	22MAYCY	22MAYCY	JLM				

NAME (Last, First, Middle) BYERS, Thomas Glenn	SOCIAL SECURITY NUMBER 987-65-4321	BRANCH AND CLASS USN
---	---------------------------------------	-------------------------

## PAGE 9 ENTRIES

1. You will always be required to make a Page 9 entry to document the fact that an accused has been to a court-martial if that court-martial resulted in a conviction.
2. There are, however, several different types of entries which you will have to choose from in order to properly make the Page 9 entry. As you know, there are three types of courts-martial; summary, special, and general. Within each of these types of court-martial you will have basically three choices to choose from. The choice you make will be determined by the sentence which is approved and ordered executed by the convening authority.
3. For example, within the category of special court-martial, you will have to choose from three different possible entries:
  - a. The first sample would be selected if the sentence, as approved by the convening authority, did not include confinement and did not affect the accused's pay - in other words, there was no reduction in rate, no forfeiture of pay, no fine, and no confinement, was approved and ordered executed by the convening authority.
  - b. The second sample would be selected if the sentence, as approved by the convening authority, did include confinement and/or did affect the accused's pay, but did not include a reduction in rate.
  - c. The third sample would be selected if the sentence, as approved by the convening authority, did include a reduction in rate.
4. As the samples show, the choices of possible Page 9 entries would be the same for summary and/or general courts-martial.

## ENLISTED PERFORMANCE RECORD

1. PERIOD OF REPORT	2. REASON	3. RATE	4. TRAITS						5. SHIP OR STATION	6. INITIALS
			Rate Knowledge	Reliability	Military Bearing	Personal Behavior	Directing	Overall Evaluation		
14OCTCY-2		SR	Date of Enlistment						NAVCUITDIST Philadelphia, PA	JTK JTK
16FEBCY-1	AR	SA	Advancement to SA						SSC, NTC Great Lakes, IL	WRS WRS
30APRCY-1	M	BTFA	Changed rate to BTFA						SSC, NTC Great Lakes, IL	WRS WRS
30APRCY-1	T	BTFA	3.8	3.8	4.0	4.0	3.8	3.8	SSC, NTC Great Lakes, IL	WRS WRS
16AUGCY-1	AR	BTFN	Advanced to BTFN						USS IOWA (BB 61)	JLM JLM
21JANCY	SCM	BTFN	SUMMARY COURT-MARTIAL NAVPERS 1070/613						USS IOWA (BB 61)	JLM JLM
12JANCY	SCM	BTFN	SUMMARY COURT-MARTIAL NAVPERS 1070/607						USS IOWA (BB 61)	JLM JLM
10JANCY	SCM/RR	BTFR	SUMMARY COURT-MARTIAL NAVPERS 1070/604 & 1070/607						USS IOWA (BB 61)	JLM JLM
30JANCY	SPCM	BTFN	SPECIAL COURT-MARTIAL NAVPERS 1070/613						USS IOWA (BB 61)	JLM JLM
15JANCY	SPCM	BTFN	SPECIAL COURT-MARTIAL NAVPERS 1070/607						USS IOWA (BB 61)	JLM JLM
19DECCY-1	SPCM/RR	BTFA	SPECIAL COURT-MARTIAL NAVPERS 1070/604 & 1070/607						USS IOWA (BB 61)	JLM JLM
5JANCY	GCM	BTFN	GENERAL COURT-MARTIAL NAVPERS 1070/613						USS IOWA (BB 61)	JLM JLM
25DECCY-1	GCM	BTFN	GENERAL COURT-MARTIAL NAVPERS 1070/607						USS IOWA (BB 61)	JLM JLM
25JANCY	GCM/RR	BTFR	GENERAL COURT-MARTIAL NAVPERS 1070/604 & 1070/607						USS IOWA (BB 61)	JLM JLM
NAME (Last)			(First)			(Middle)			SSN	BRANCH/CLASS
BYERS			Thomas			Glenn			987-65-4321	USN



PAGE 13 ENTRIES

You will be required to make a Page 13 entry in all cases resulting in a conviction where the sentence fits into one of the following categories:

1. The sentence, as approved by the convening authority, was no punishment.

2. The sentence, as approved and ordered executed by the convening authority, did not include confinement and did not affect the accused's pay (no reduction in rate, no forfeiture of pay, no fine).

3. The sentence was such that it would normally require a Page 7 entry (confinement, reduction in rate, forfeiture of pay, fine) but, the convening authority has suspended ALL portions of the sentence which would normally require you to prepare a Page 7 entry. As long as NO PART of the sentence "ordered executed" includes confinement, reduction in rate, forfeiture of pay, or fine, then you would prepare a Page 13 entry.

SHIP OR STATION  
USS IOWA (BB 61)

21 Jan CY: SPECIAL COURT-MARTIAL

DATE OF OFFENSE: 3 Sep CY-1

NATURE OF OFFENSE: Violation of UCMJ, Article 86 - unauthorized absence from 3 Sep CY-1 to 24 Dec CY-1.

DATE OF TRIAL: 7 Jan CY

FINDINGS: Of the Charge and Specification thereunder: Guilty.

SENTENCE ADJUDGED: No Punishment.

CA's ACTION ON SENTENCE: Approved. The record of trial is forwarded to Commander, Naval Surface Force, U.S. Atlantic Fleet, Norfolk, Virginia, for review in accordance with Article 64(b), UCMJ.

*J. L. Masterson*

J. L. MASTERSON, PNCS, USN

By direction of the Commanding Officer

NOTE TO STUDENT: THIS IS A SAMPLE PAGE 13 ENTRY WHICH WOULD ONLY BE USED WHEN AN INDIVIDUAL IS TRIED AND CONVICTED AT A COURT-MARTIAL (SUMMARY, SPECIAL, OR GENERAL) AND RECEIVES A SENTENCE OF NO PUNISHMENT.

WHEN A PERSON IS ACQUITTED AT A COURT-MARTIAL THERE ARE NO SERVICE RECORD ENTRIES MADE AT ALL TO REFLECT THE RESULTS OF TRIAL.

NAME (Last, First, Middle)

BYERS, Thomas Glenn

SSN

987-65-4321

BRANCH AND CLASS

USN

SHIP OR STATION

USS IOWA (BB 61)

3 Feb CY: SPECIAL COURT-MARTIAL

DATE OF OFFENSE: 23 Sep CY-1

NATURE OF OFFENSE: Violation of UCMJ, Article 86 -  
Unauthorized absence from 23 Sep  
CY-1 to 7 Jan CY.

DATE OF TRIAL: 10 Jan CY

FINDINGS: Of the Charge and Specification  
thereunder: Guilty.

SENTENCE ADJUDGED: To be restricted to the limits  
of USS IOWA (BB 61) for a period  
of 45 days.

CA's ACTION ON SENTENCE: Approved and ordered executed.  
The record of trial is forwarded  
to Commander, Naval Surface Force,  
U.S. Atlantic Fleet, Norfolk, VA  
for review in accordance with  
Article 64(a), UCMJ.



J. L. MASTERSON, PNCS, USN  
By direction of the  
Commanding Officer

NOTE TO STUDENT: This is a sample Page 13 entry which would be used when the sentence, as approved and ordered executed by the convening authority, does not include confinement and/or any type of punishment which affects the accused's pay.

NAME (Last, First, Middle)

BYERS, Thomas Glenn

SSN

987-65-4321

BRANCH AND CLASS

USN

SHIP OR STATION  
USS IOWA (BB 61)

6 Apr CY: SUMMARY COURT-MARTIAL

DATE OF OFFENSE: 4 Feb CY


NATURE OF OFFENSE: Violation of UCMJ, Article 112a  
Wrongful Use of Marijuana

DATE OF TRIAL: 30 Mar CY

FINDINGS: Of the Charge and Specification  
thereunder: Guilty

SENTENCE ADJUDGED: Restriction to the limits of USS IOWA  
(BB 61) for 30 days, and forfeiture  
of \$250.00 pay per month for 1  
month.

CA'S ACTION ON SENTENCE: The sentence is approved and will  
be executed but the execution of  
that part of the sentence  
extending to forfeiture of \$250.00  
pay per month for 1 month is suspended  
for 6 months, at which time, unless  
the suspension is sooner vacated,  
the suspended part of the sentence  
will be remitted without further  
action. The record of trial is  
forwarded to Commander, Naval Surface  
Force, U.S. Atlantic Fleet, Norfolk,  
Virginia, for action in accordance  
with Article 64(a), UCMJ.

  
J. L. MASTERSON, PNCS, USN  
By direction of the Commanding Officer

NOTE TO STUDENT: This is a sample Page 13 entry which is used when the sentence, as approved and ordered executed by the convening authority, includes punishment which normally requires a Page 7 entry (the forfeiture of pay), but since the CA ordered the forfeiture of pay suspended for 6 months, a Page 13 entry is done instead, as no confinement or punishment which affects pay is being executed at this time.

NAME (Last, First, Middle)  
BYERS, Thomas Glenn

SSN  
987-65-4321

BRANCH AND CLASS  
USN

### PAGE 7 ENTRIES

You will be required to prepare a Page 7 entry in all cases where the sentence, as approved and ordered executed by the convening authority, includes confinement, reduction in rate, forfeiture of pay, or fine.

Remember that if ALL of the above types of punishments have been suspended by the convening authority then you will not prepare a Page 7 entry, but instead you will prepare a Page 13 entry. However, if ANY ONE PORTION of the above mentioned types of punishments have been approved and not suspended then you will prepare a Page 7 entry. The key to remember is that you will be required to prepare either a Page 7 entry or a Page 13 entry to reflect the results of trial, BUT NOT BOTH.

COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ MAJ CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYMAR20		8. TYPE OF ACTION B. REPORT OF ACTION <input checked="" type="checkbox"/>	9. MODIFI- CATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input checked="" type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM BT3	14. TO BTFN	15. THR CYMAR20		
<input type="checkbox"/> 16. FORFEITURE	17. MONTHLY AMT. \$	18. NO. MONTHS			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. NO. AMT. OF CHECKAGE \$	24. NO. MOB.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE- FUND DATE		
<input type="checkbox"/> 29. DESERTION MARK REMOVED	<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DIS- APPROVED			
PRE-TRIAL CONFINEMENT 32. FROM:		33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)	
CONFINEMENT ORDERED AND COMPLETED 36. FROM:		37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)	
40. CHANGE EAOS TO:		41. CHANGE EXP. ENL. TO:			

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL  
 DATE OF TRIAL: CYFEB28  
 VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM  
 IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART. 134 - DRUNK  
 AND DISORDERLY CONDUCT ON STATION ON CYFEB10.  
 SENTENCE ADJUDGED: REDUCTION TO THE GRADE OF PAYGRADE E-3  
 DATE SENTENCE ADJUDGED: CYFEB28

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER  
 ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20		44. AUTHORITY TYPE CONVENING		CO USS IOWA (BB 61)	
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45. LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSURFLANT, NORFOLK, VA  
 CA'S ACTION: APPROVED AND ORDERED EXECUTED. ROT FWD TO  
 COMNAVSURFLANT, NORFOLK, VA FOR REVIEW IAW ART. 64(A), UCMJ.

(MAY BE CONTINUED ON REVERSE)

46. SIGNATURE <i>J. L. Masterson</i>		GRADE PNCS	
---	--	---------------	--

J. L. MASTERSON, PNCS, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345		48. RATE BTFN	
49. NAME (LAST FIRST MIDDLE) BYERS, THOMAS GLENN		50. SSN 987-65-4321	51. BRANCH/CLASS USN

COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ MAST CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYMAR20		8. TYPE OF ACTION <input checked="" type="checkbox"/> REPORT OF ACTION	9. MODIFICATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM	14. TO	15. YR		
<input checked="" type="checkbox"/> 16. FORFEITURE	17. MONTHLY AMT. \$ 300.00	18. NO. MONTHS 3			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. MO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE-FUND DATE		
<input type="checkbox"/> 29. DESERTION MARK REMOVED	<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DIS-APPROVED			
32. FROM:	33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)		
36. FROM:	37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)		
40. CHANGE EAOS TO:	41. CHANGE EXP. ENL TO:				

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL  
 DATE OF TRIAL: CYFEB28  
 VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART. 134 - DRUNK AND DISORDERLY CONDUCT ON STATION ON CYFEB10.  
 SENTENCE ADJUDGED: FORF OF \$300.00 PAY PER MONTH FOR 3 MOS.  
 DATE SENTENCE ADJUDGED: CYFEB28

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20	44. AUTHORITY TYPE CONVENING	CO USS IOWA (BB 61)
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45. LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSURFLANT, NORFOLK, VA

CA'S ACTION: APPROVED AND ORDERED EXECUTED. THE FORF SHALL APPLY TO PAY BECOMING DUE ON AND AFTER THE DATE OF THIS ACTION. ROT FWD TO COMNAVSURFLANT, NORFOLK, VA FOR REVIEW IAW ART. 64(A), UCMJ.

(MAY BE CONTINUED ON REVERSE)

46. SIGNATURE <i>J. L. Masterson</i>	GRADE PNCS
---	---------------

J. L. MASTERSON, PNCS, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345	48. RATE BT3
49. NAME (LAST FIRST MIDDLE) BYERS, THOMAS GLENN	50. SSN 987-65-4321
51. BRANCH/CLASS USN	

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NAVPERS USE ONLY

COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ MAR CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYMAR20		8. TYPE OF ACTION & REPORT OF ACTION <input checked="" type="checkbox"/>	9. MODIFI- CATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input type="checkbox"/> 12. RATE ADJUSTMENT		13. FROM	14. TO	15. THR	
<input type="checkbox"/> 16. FORFEITURE		17. MONTHLY AMT. \$	18. NO. MONTHS		
<input checked="" type="checkbox"/> 19. FINE		20. AMOUNT \$ 1000.00	<input checked="" type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. MO. AMT. OF CHECKAGE \$ 200.00
<input type="checkbox"/> 25. DETENTION		26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE- FUND DATE	
<input type="checkbox"/> 29. DESERTION MARK REMOVED		<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DIS- APPROVED		
FREE TRIAL CONFINEMENT 32. FROM:		33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)	
CONFINEMENT ORDERED AND COMPLETED 36. FROM:		37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)	
40. CHANGE EAOS TO:		41. CHANGE EXP. ENL. TO:			

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL  
 DATE OF TRIAL: CYFEB28  
 VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM  
 IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART. 134 - DRUNK  
 AND DISORDERLY CONDUCT ON STATION ON CYFEB10.  
 SENTENCE ADJUDGED: TO BE FINED \$1000.00  
 DATE SENTENCE ADJUDGED: CYFEB28

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER  
 ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20		44. AUTHORITY TYPE CONVENING		CO USS IOWA (BB 61)	
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45. LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSURFLANT, NORFOLK, VA

CA'S ACTION: APPROVED AND ORDERED EXECUTED. THE CHECKAGE OF PAY  
 SHALL APPLY TO PAY BECOMING DUE ON AND AFTER THE DATE OF THIS  
 ACTION. ROT FWD TO COMNAVSURFLANT, NORFOLK, VA FOR REVIEW IAW  
 ART. 64(A), UCMJ.

(MAY BE CONTINUED ON REVERSE)

46. SIGNATURE <i>J. L. Masterson</i>		48. GRADE PNC3	
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J. L. MASTERSON, PNC3, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345		48. RATE BT3	
49. NAME (LAST, FIRST, MIDDLE) BYERS, THOMAS GLENN		50. SSN 987-65-4321	51. BRANCH/CLASS USN



NAVPERS USE ONLY

PLD1-7R

NAVPERS USE ONLY

COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ LAST CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYMAR20		8. TYPE OF ACTION <input checked="" type="checkbox"/> REPORT OF ACTION	9. MODIFI- CATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM	14. TO	15. THR		
<input type="checkbox"/> 16. FORFEITURE	17. MONTHLY AMT. \$	18. NO. MONTHS			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. MO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE- FUND DATE		
<input type="checkbox"/> 29. DESERTION MARK REMOVED	<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DIS- APPROVED			
PRE-TRIAL CONFINEMENT 32. FROM:	33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)		
CONFINEMENT ORDERED AND COMPLETED 36. FROM: CYFEB28	37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)		
40. CHANGE EAOS TO:	41. CHANGE EXP. ENL. TO:				

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL  
 DATE OF TRIAL: CYFEB28  
 VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM  
 IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART. 134 - DRUNK  
 AND DISORDERLY CONDUCT ON STATION ON CYFEB10.  
 SENTENCE ADJUDGED: CONF FOR 2 MOS.  
 DATE SENTENCE ADJUDGED: CYFEB28.

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER  
 ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20	44. AUTHORITY TYPE CONVENING	CO USS IOWA (BB 61)
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45. LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSURFLANT, NORFOLK, VA

CA'S ACTION: APPROVED AND ORDERED EXECUTED. THE NAVAL BRIG,  
 NORFOLK, VA, IS DESIGNATED AS THE PLACE OF CONFINEMENT.  
 ROT FWD TO COMNAVSURFLANT, NORFOLK, VA, FOR REVIEW IAW ART.  
 64(A), UCMJ.

(MAY BE CONTINUED ON REVERSE)

--

<i>J. L. Masterson</i>	PNC3
46. SIGNATURE	GRADE

J. L. MASTERSON, PNC3, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345	48. RATE BT3
49. NAME (LAST, FIRST, MIDDLE) BYERS, THOMAS GLENN	50. SSN 987-65-4321
51. BRANCH/CLASS USN	

COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYMAR20		8. TYPE OF ACTION & REPORT OF ACTION <input checked="" type="checkbox"/>	9. MODIFICATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input checked="" type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM BT3	14. TO BTFN	15. THE CYMAR20		
<input checked="" type="checkbox"/> 14. FORFEITURE	17. MONTHLY AMT. \$ 300.00	18. NO. MONTHS 3			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. NO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE-FUND DATE		
29. DESERTION MARK REMOVED <input type="checkbox"/>	30. ADJUDGED <input type="checkbox"/>	31. ADJUDGED AND DIS-APPROVED			
32. FROM:		33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)	
36. FROM:		37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)	
40. CHANGE EAOS TO:		41. CHANGE EXP. ENL TO:			

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL  
 DATE OF TRIAL: CYFEB28  
 VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART. 134 - DRUNK AND DISORDERLY CONDUCT ON STATION ON CYFEB10.  
 SENTENCE ADJUDGED: REDUCTION TO THE GRADE OF PAYGRADE E-3, FORF OF \$300.00 PAY PER MONTH FOR 3 MONTHS  
 DATE SENTENCE ADJUDGED: CYFEB28

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20		44. AUTHORITY TYPE CONVENING		CO USS IOWA (BB 61)	
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45. LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSURFLANT, NORFOLK, VA

CA'S ACTION: APPROVED AND ORDERED EXECUTED. THE FORF SHALL APPLY TO PAY BECOMING DUE ON AND AFTER THE DATE OF THIS ACTION. ROT FWD TO COMNAVSURFLANT, NORFOLK, VA FOR REVIEW IAW ART. 64(A), UCMJ.

(MAY BE CONTINUED ON REVERSE)

46. SIGNATURE <i>J. L. Masterson</i>		GRADE PNCS	
---	--	---------------	--

J. L. MASTERSON, PNCS, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345		48. RATE BTFN	
49. NAME (LAST, FIRST, MIDDLE) BYERS, THOMAS GLENN		50. SSN 987-65-4321	51. BRANCH/CLASS USN

COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ MAP CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYMAR20		8. TYPE OF ACTION <input checked="" type="checkbox"/> REPORT OF ACTION	9. MODIFICATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input checked="" type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM BT3	14. TO BTFN	15. TR CYMAR20		
<input type="checkbox"/> 16. FORFEITURE	17. MONTHLY AMT. \$	18. NO. MONTHS			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. NO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE-FUND DATE		
29. DESERTION MARK REMOVED <input type="checkbox"/>	30. ADJUDGED <input type="checkbox"/>	31. ADJUDGED AND DIS-APPROVED <input type="checkbox"/>			
PRE-TRIAL CONFINEMENT 32. FROM:	33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)		
CONFINEMENT ORDERED AND COMPLETED 36. FROM: CYFEB28	37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)		
40. CHANGE EAOS TO:	41. CHANGE EXP. ENL. TO:				

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL  
 DATE OF TRIAL: CYFEB28  
 VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART. 134 - DRUNK AND DISORDERLY CONDUCT ON STATION ON CYFEB10.  
 SENTENCE ADJUDGED: CONF FOR 2 MONTHS AND REDUCTION IN GRADE TO PAYGRADE E-3  
 DATE SENTENCE ADJUDGED: CYFEB28

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20	44. AUTHORITY TYPE CONVENING	CO USS IOWA (BB 61)
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45. LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSURFLANT, NORFOLK, VA

CA'S ACTION: APPROVED AND ORDERED EXECUTED. THE NAVAL BRIG, NAVSTA, NORFOLK, VA, IS DESIGNATED THE PLACE OF CONF. ROT FWD TO COMNAVSURFLANT, NORFOLK, VA FOR REVIEW IAW ART. 64(A), UCMJ.

(MAY BE CONTINUED ON REVERSE)

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<i>J. L. Masterson</i>	PNCS
46. SIGNATURE	GRADE

J. L. MASTERSON, PNCS, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345	48. RATE BTFN	49. NAME (LAST, FIRST, MIDDLE) BYERS, THOMAS GLENN	50. SSN 987-65-4321	51. BRANCH/CLASS USN
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COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ MAY CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYMAR20		8. TYPE OF ACTION & REPORT OF ACTION <input checked="" type="checkbox"/>	9. MODIFI- CATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM	14. TO	15. THR		
<input checked="" type="checkbox"/> 16. FORFEITURE	17. MONTHLY AMT. \$ 300.00	18. NO. MONTHS 3			
<input type="checkbox"/> 19. FINE \$	20. AMOUNT	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. MO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION \$	26. MONTHLY AMT.	27. NO. MONTHS	28. DETENTION RE- FUND DATE		
<input type="checkbox"/> 29. DESERTION MARK REMOVED	<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DIS- APPROVED			
32. FROM:	33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)		
36. FROM:	37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)		
40. CHANGE EAOS TO:	41. CHANGE EXP. ENL. TO:				

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL  
 DATE OF TRIAL: CYFEB28  
 VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM  
 IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART. 134 - DRUNK  
 AND DISORDERLY CONDUCT ON STATION ON CYFEB10.  
 SENTENCE ADJUDGED: CONF FOR 2 MOS. AND FORF OF \$300.00 PAY PER  
 MONTH FOR 3 MOS.  
 DATE SENTENCE ADJUDGED: CYFEB28

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER  
 ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20		44. AUTHORITY TYPE CONVENING		CO USS IOWA (BB 61)	
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45. LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSURFLANT, NORFOLK, VA

CA'S ACTION: APPROVED AND ORDERED EXECUTED. THE FORF SHALL APPLY  
 TO PAY BECOMING DUE ON AND AFTER THE DATE OF THIS ACTION. THE  
 NAVAL BRIG, NAVSTA, NORFOLK, VA IS DESIGNATED THE PLACE OF CONF.  
 ROT FWD TO COMNAVSURFLANT, NORFOLK, VA FOR REVIEW IAW ART. 64(A),  
 UCMJ.

(MAY BE CONTINUED ON REVERSE)

46. SIGNATURE <i>J. L. Masterson</i>		GRADE PNC5	
J. L. MASTERSON, PNC5, USN, BY DIR CO USS IOWA (BB 61)			
47. UNIT I.D. CODE 12345		48. RATE BT3	
49. NAME (LAST FIRST MIDDLE) BYERS, THOMAS GLENN		50. SSN 987-65-4321	51. BRANCH/CLASS USN

SUPERS USE ONLY

PL01-7R

SUPERS USE ONLY

COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ DATE CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYMAR20		8. TYPE OF ACTION TYPE OF ACTION <input checked="" type="checkbox"/> REPORT OF ACTION	9. MODIFI- CATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input checked="" type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM BT3	14. TO BTFN	15. THR CYMAR20		
<input checked="" type="checkbox"/> 14. FORFEITURE	17. MONTHLY AMT. \$ 300.00	18. NO. MONTHS 3			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	22. DOES NOT CONSENT TO CHECKAGE <input type="checkbox"/>	23. MO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE- FUND DATE		
29. DESERTION MARK REMOVED <input type="checkbox"/>	30. ADJUDGED <input type="checkbox"/>	31. ADJUDGED AND DIS- APPROVED <input type="checkbox"/>			
PRE-TRIAL CONFINEMENT 32. FROM:	33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)		
CONFINEMENT ORDERED AND COMPLETED 36. FROM: CYFEB28	37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)		
40. CHANGE EAOS TO:	41. CHANGE EXP. ENL. TO:				

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL

DATE OF TRIAL: CYFEB28

VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART. 134 - DRUNK AND DISORDERLY CONDUCT ON STATION ON CYFEB10.

SENTENCE ADJUDGED: REDUCTION IN GRADE TO PAYGRADE E-3; FORFEITUR OF \$300.00 PAY PER MONTH FOR 3 MONTHS; AND CONF. FOR 2 MOS.

DATE SENTENCE ADJUDGED: CYFEB28.

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20	44. AUTHORITY TYPE CONVENING	CO USS IOWA (BB 61)
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45. LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSURFLANT, NORFOLK, VA

CA'S ACTION: APPROVED AND ORDERED EXECUTED. THE FORFEITURES SHALL APPLY TO PAY BECOMING DUE ON AND AFTER THE DATE OF THIS ACTION. THE NAVAL BRIG, NAVSTA, NORFOLK, VA, IS DESIGNATED AS THE PLACE OF CONFINEMENT. ROT FWD TO COMNAVSURFLANT, NORFOLK, VA, FOR REVIEW IAW ART. 64(A), UCMJ.

(MAY BE CONTINUED ON REVERSE)

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<i>J. L. Masterson</i>	PNCS
46. SIGNATURE	GRADE

J. L. MASTERSON, PNCS, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345	48. RATE BTFN
49. NAME (LAST, FIRST, MIDDLE) BYERS, THOMAS GLENN	50. SSN 987-65-4321
51. BRANCH/CLASS USN	

SEMPERS USE ONLY

PL01-7R

SEMPERS USE ONLY

COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ MAY CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYMAR20		8. TYPE OF ACTION R. REPORT OF ACTION <input checked="" type="checkbox"/>	9. MODIFI- CATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input checked="" type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM BT3	14. TO BTFR	15. TFR CYMAR20		
<input checked="" type="checkbox"/> 14. FORFEITURE	17. MONTHLY AMT. \$ 300.00	18. NO. MONTHS 3			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	22. DOES NOT CONSENT TO CHECKAGE <input type="checkbox"/>	23. MO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE- FUND DATE		
<input type="checkbox"/> 29. DESERTION MARK REMOVED	<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DE- APPROVED			
PRE-TRIAL CONFINEMENT 32. FROM:	33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)		
CONFINEMENT ORDERED AND COMPLETED 36. FROM: CYFEB28	37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)		
40. CHANGE EAOS TO:	41. CHANGE EXP. EN- TO:				

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL  
 DATE OF TRIAL: CYFEB28  
 VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM  
 IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART. 134 - DRUNK  
 AND DISORDERLY CONDUCT ON STATION ON CYFEB10.  
 SENTENCE ADJUDGED: REDUCTION IN GRADE TO PAYGRADE E-3, FORF OF  
 \$300.00 PAY PER MONTH FOR 3 MONTHS, AND CONF FOR 6 MONTHS.  
 DATE SENTENCE ADJUDGED: CYFEB28

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER  
 ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20	44. AUTHORITY TYPE CONVENING	CO USS IOWA (BB 61)
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45. LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSURFLANT, NORFOLK, VA

CA'S ACTION: APPROVED AND ORDERED EXECUTED. THE FORF SHALL APPLY  
 TO PAY BECOMING DUE ON AND AFTER THE DATE OF THIS ACTION. THE  
 NAVAL BRIG, NAVSTA, NORFOLK, VA IS DESIGNATED THE PLACE OF CONF.  
 IAW ART. 58A(A), UCMJ, AND 0152d JAGMAN, RIR TO E-1 EFFECTIVE AS OF  
 THE DATE OF THIS ACTION. UPON COMPLETION OF CONF, ADVANCEMENT TO  
 PAYGRADE E-3 IS AUTHORIZED. ROT FWD TO COMNAVSURFLANT, NORFOLK,  
 VA FOR REVIEW IAW ART. 64(A), UCMJ.

(MAY BE CONTINUED ON REVERSE)

46. SIGNATURE <i>J. L. Masterson</i>	GRADE PNCS
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J. L. MASTERSON, PNCS, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345	48. RATE BTFR	
49. NAME (LAST, FIRST, MIDDLE) BYERS, THOMAS GLENN	50. SSN 987-65-4321	51. BRANCH/CLASS USN

COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ MAY CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYMAR20		8. TYPE OF ACTION <input checked="" type="checkbox"/> REPORT OF ACTION	9. MODIFI- CATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input checked="" type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM BT3	14. TO BTFR	15. THR CYMAR20		
<input checked="" type="checkbox"/> 16. FORFEITURE	17. MONTHLY AMT. \$ 300.00	18. NO. MONTHS 3			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. MO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION BE- FUND DATE		
<input type="checkbox"/> 29. DESERTION MARK REMOVED	<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DIS- APPROVED			
32. FROM: PRE-TRIAL CONFINEMENT		33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)	
36. FROM: CONFINEMENT ORDERED AND COMPLETED CYFEB28		37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)	
40. CHANGE EAOS TO:		41. CHANGE EXP. ENL. TO:			

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL  
 DATE OF TRIAL: CYFEB28  
 VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM  
 IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART. 134 - DRUNK  
 AND DISORDERLY CONDUCT ON STATION ON CYFEB10.  
 SENTENCE ADJUDGED: REDUCTION IN GRADE TO PAYGRADE E-3, FORF OF  
 \$300.00 PAY PER MONTH FOR 3 MONTHS, AND CONF FOR 6 MONTHS.  
 DATE SENTENCE ADJUDGED: CYFEB28

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20		44. AUTHORITY TYPE CONVENING		CO USS IOWA (BB 61)	
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45. LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSUREFLANT, NORFOLK, VA

CA'S ACTION: APPROVED AND ORDERED EXECUTED. THE FORF SHALL APPLY  
 TO PAY BECOMING DUE ON AND AFTER THE DATE OF THIS ACTION. THE  
 NAVAL BRIG, NAVSTA, NORFOLK, VA IS DESIGNATED THE PLACE OF CONF.  
 IAW ART. 58A(A), UCMJ, AND 0152d JAGMAN, RIR TO E-1 EFFECTIVE AS OF  
 THE DATE OF THIS ACTION. ROT FWD TO COMNAVSURFLANT, NORFOLK, VA  
 FOR REVIEW IAW ART. 64(A), UCMJ.

(MAY BE CONTINUED ON REVERSE)

46. SIGNATURE <i>J. L. Masterson</i>		GRADE PNCS	
---	--	---------------	--

J. L. MASTERSON, PNCS, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345		48. RATE BTFR	
49. NAME (LAST, FIRST, MIDDLE) BYERS, THOMAS GLENN		50. SSN 987-65-4321	51. BRANCH/CLASS USN

COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22		2. SHIP OR STATION AND LOCATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ MAST CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYMAR20		8. REPORT OF ACTION <input checked="" type="checkbox"/>	9. MODIFI- CATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF SUBMISSION ON 1070/ 607 MOD. OR CORRECTED
<input checked="" type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM BT3	14. TO BTFR	15. TIR CYMAR20		
<input checked="" type="checkbox"/> 16. FORFEITURE	17. MONTHLY AMT. \$ 300.00	18. NO. MONTHS 3			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. MO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE- FUND DATE		
<input type="checkbox"/> 29. DESERTION MARK REMOVED	<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DIS- APPROVED			
PRE-TRIAL CONFINEMENT 32. FROM:		33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)	
CONFINEMENT ORDERED AND COMPLETED 36. FROM: CYFEB28		37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)	
40. CHANGE EAOS TO:		41. CHANGE EXP. ENL. TO:			

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL

DATE OF TRIAL: CYFEB28

VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART 134 - DRUNK AND DISORDERLY CONDUCT ON STATION ON CYFEB10.

SENTENCE ADJUDGED: REDUCTION IN GRADE TO PAYGRADE E-3, FORF OF \$300.00 PAY PER MONTH FOR 3 MONTHS, CONF FOR 6 MONTHS, AND DISCH. FROM THE NAVAL SERVICE WITH A BCD. DATE SENTENCE ADJUDGED: CYFEB28

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20		44. AUTHORITY TYPE CONVENING		CO USS IOWA (BB 61)	
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45.

LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSURFLANT, NORFOLK, VA  
CA'S ACTION: APPROVED AND, EXCEPT FOR THAT PORTION OF THE SENTENCE EXTENDING TO A BCD, ORDERED EXECUTED. THE FORF SHALL APPLY TO PAY BECOMING DUE ON AND AFTER THE DATE OF THIS ACTION. THE NAVAL BRIG, NAVSTA, NORFOLK, VA IS DESIGNATED THE PLACE OF CONF. IAW ART. 58(A)(A), UCMJ, AND 0152d JAGMAN, RIR TO E-1 EFFECTIVE AS OF THE DATE OF THIS ACTION. ROT FWD TO NAVY-MARINE CORPS APPELLATE REVIEW ACTIVITY (CODE 40.31) FOR REVIEW IAW ART. 66, UCMJ.

(MAY BE CONTINUED ON REVERSE)

46. (SIGNATURE) BY DIRECTION <i>J. L. Masterson</i>		GRADE PNCS	
--	--	---------------	--

J. L. MASTERSON, PNCS, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345		48. RATE BTFR	
49. NAME (LAST, FIRST, MIDDLE) BYERS, THOMAS GLENN		50. SSN 987-65-4321	51. BRANCH/CLASS USN

COURT MEMORANDUM NAVPERS 1070/607 (REV. 12-75) S/N 0106-LF-010-6960

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COURT MEMORANDUM

1. DATE SUBMITTED CYMAR22	2. SHIP OR STATION USS IOWA (BB 61)				
3. DATE OF REFERRAL CYFEB16	4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ MAY CYFEB28	6. UCMJ ARTICLE(S) 128, 134		
7. DATE OF ACTION CYMAR20	8. TYPE OF ACTION A. REPORT B. REPORT OF ACTION <input checked="" type="checkbox"/> A	9. MODIFI- CATION OF ACTION <input type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED	
<input checked="" type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM BT3	14. TO BTFN	15. TR CYMAR20		
<input checked="" type="checkbox"/> 16. FORFEITURE	17. MONTHLY AMT. \$ 150.00	18. NO. MONTHS 3			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. NO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE- FUND DATE		
29. DESERTION MARK REMOVED <input type="checkbox"/>	<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DIS- APPROVED			
PRE-TRIAL CONFINEMENT 32. FROM:	33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)		
CONFINEMENT ORDERED AND COMPLETED 36. FROM: CYFEB28	37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)		
40. CHANGE EAOS TO:	41. CHANGE EXP. ENL. TO:				

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

CYMAR22: SPECIAL COURT-MARTIAL

DATE OF TRIAL: CYFEB28

VIOL UCMJ, ART. 128 - ASSAULT ON A PETTY OFFICER BY STRIKING HIM IN THE FACE WITH HIS FIST ON CYFEB10; VIOL UCMJ, ART. 134 - DRUNK AND DISORDERLY CONDUCT ON STATION ON CYFEB10.

SENTENCE ADJUDGED: REDUCTION IN GRADE TO PAYGRADE E-3; FORFEIT. OF \$300.00 PAY PER MONTH FOR 3 MOS; AND CONF FOR 2 MOS.

DATE SENTENCE ADJUDGED: CYFEB28.

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15(D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYMAR20	44. AUTHORITY TYPE CONVENING	CO USS IOWA (BB 61)
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45. LTR SER 325 DTD CYMAR20 FWD ROT TO COMNAVSURFLANT, NORFOLK, VA

CA'S ACTION: ONLY SO MUCH OF THE SENTENCE AS PROVIDES FOR REDUC- TION IN GRADE TO PAYGRADE E-3, FORF OF \$150.00 PAY PER MONTH FOR 3 MOS AND CONF FOR 2 MOS IS APPROVED AND ORDERED EXECUTED. THE FORF SHALL APPLY TO PAY BECOMING DUE ON AND AFTER THE DATE OF THIS ACTION. THE NAVAL BRIG, NAVSTA, NORFOLK, VA, IS DESIGNATED AS THE PLACE OF CONF. ROT FWD TO COMNAVSURFLANT, NORFOLK, VA FOR REVIEW IAW ART. 64(A), UCMJ.

(MAY BE CONTINUED ON REVERSE)

46. SIGNATURE <i>J. L. Masterson</i>	GRADE PNCS
---	---------------

J. L. MASTERSON, PNCS, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345	48. RATE BTFN
49. NAME (LAST, FIRST, MIDDLE) BYERS, THOMAS GLENN	50. SSN 987-65-4321
	51. BRANCH/CLASS USN

NAVPERS USE ONLY

PL01-7R

NAVPERS USE ONLY

COURT MEMORANDUM

1. DATE SUBMITTED CYAPR20		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SUMMARY		5. DATE OF COURT/ MAS CYFEB28	
7. DATE OF ACTION CYAPR19		8. REPORT OF ACTION <input checked="" type="checkbox"/>		9. MODIFI- CATION OF ACTION <input type="checkbox"/>	
<input type="checkbox"/> 12. RATE ADJUSTMENT		13. FROM		14. TO	
<input type="checkbox"/> 16. FORFEITURE		17. MONTHLY AMT. \$		18. NO. MONTHS	
<input type="checkbox"/> 19. FINE		20. AMOUNT \$		<input type="checkbox"/> 21. CONSENT TO CHECKAGE	
<input type="checkbox"/> 25. DETENTION		26. MONTHLY AMT. \$		27. NO. MONTHS	
<input type="checkbox"/> 29. DESERTION MARK REMOVED		<input type="checkbox"/> 30. ADJUDGED		<input type="checkbox"/> 31. ADJUDGED AND DIS- APPROVED	
PRE-TRIAL CONFINEMENT 32. FROM:		33. TO:		34. DAYS LOST TIME (30 DAY BASIS)	
CONFINEMENT ORDERED AND 34. FROM: COMPLETED		37. TO:		38. DAYS LOST TIME (30 DAY BASIS)	
CYFEB28		CYAPR19		51	
40. CHANGE EAOS TO: CY+1SEP25		41. CHANGE EXP. ENL. CY+1SEP25		39. DAYS LOST TIME (DAY FOR DAY) 50	
22. DOES NOT CONSENT TO CHECKAGE <input type="checkbox"/>		23. MO. AMT. OF CHECKAGE \$		24. NO. MOS.	
28. DETENTION RE- FUND DATE					

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)  
RELEASED FROM CONF. HAVING SERVED 50 DAYS OF SENTENCE ADJUDGED ON CYFEB28. GIVEN 10 DAYS CREDIT FOR GOOD BEHAVIOR.

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD	44. AUTHORITY TYPE ADMINISTRATIVE
------------------	--------------------------------------

45.

(MAY BE CONTINUED ON REVERSE)

46. SIGNATURE <i>J. L. Masterson</i>		47. UNIT I.D. CODE 12345		48. RATE BTFN	
49. NAME (LAST, FIRST, MIDDLE) BYERS, THOMAS GLENN		50. SSN 987-65-4321		51. BRANCH/CLASS USN	
J. L. MASTERSON, PNCS, USN, BY DIR CO USS IOWA (BB 61)		GRADE PNCS			

PL01-7R

COURT MEMORANDUM

1. DATE SUBMITTED CYOCT10		2. SHIP OR STATION USS IOWA (BB 61)			
3. DATE OF REFERRAL CYFEB16		4. TYPE OF COURT SPECIAL	5. DATE OF COURT/ MAST CYFEB28	6. UCMJ ARTICLE(S) 128, 134	
7. DATE OF ACTION CYOCT08		8. TYPE OF ACTION REPORT OF ACTION	9. MODIFI- CATION OF ACTION <input checked="" type="checkbox"/>	10. CORRECTION TO PREVIOUS 1070/607 <input type="checkbox"/>	11. DATE OF ACTION ON 1070/607 MOD. OR CORRECTED
<input type="checkbox"/> 12. RATE ADJUSTMENT	13. FROM	14. TO	15. THR		
<input checked="" type="checkbox"/> 16. FORFEITURE	17. MONTHLY AMT. \$ 150.00	18. NO. MONTHS 5			
<input type="checkbox"/> 19. FINE	20. AMOUNT \$	<input type="checkbox"/> 21. CONSENT TO CHECKAGE	<input type="checkbox"/> 22. DOES NOT CONSENT TO CHECKAGE	23. MO. AMT. OF CHECKAGE \$	24. NO. MOS.
<input type="checkbox"/> 25. DETENTION	26. MONTHLY AMT. \$	27. NO. MONTHS	28. DETENTION RE- FUND DATE		
<input type="checkbox"/> 29. DESERTION MARK REMOVED	<input type="checkbox"/> 30. ADJUDGED	<input type="checkbox"/> 31. ADJUDGED AND DIS- APPROVED			
PRE-TRIAL CONFINEMENT 32. FROM:		33. TO:	34. DAYS LOST TIME (30 DAY BASIS)	35. DAYS LOST TIME (DAY FOR DAY)	
CONFINEMENT ORDERED AND COMPLETED 36. FROM:		37. TO:	38. DAYS LOST TIME (30 DAY BASIS)	39. DAYS LOST TIME (DAY FOR DAY)	
40. CHANGE EAOS TO:		41. CHANGE EXP. ENL. TO:			

42. SYNOPSIS OF OFFENSE(S), DATE(S), AND SENTENCE ADJUDGED (ALSO AMPLIFYING REMARKS, MAY BE CONTINUED ON REVERSE)

DATE IDENTIFICATION AND RESUME OF CONVENING, SUPERVISORY, OR OTHER AUTHORITY INCLUDING ACTION UNDER ARTICLES 65, 66, 67, 69, 72, 73, 74, OR 15 (D) OR (E), UCMJ, (ALSO ANY APPEAL)

43. 1070/607 DTD CYOCT02		44. AUTHORITY TYPE REVIEWING	COMNAVSURFLANT
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45. NORFOLK, VA SUPPLEMENTAL CMO 04-CY DTD CYOCT08 PROMULGATING DECISION OF NAVY-MARINE CORPS COURT OF MILITARY REVIEW DTD CYOCT02

ONLY SO MUCH OF THE SENTENCE AS PROVIDES FOR REDUCTION IN GRADE TO PAYGRADE E-3, FORFEITURE OF \$150.00 PAY PER MONTH FOR 5 MONTHS, CONF FOR 6 MONTHS, AND A BAD CONDUCT DISCHARGE IS APPROVED AND AS MODIFIED, IS AFFIRMED PURSUANT TO ARTICLES 66 AND 67, UCMJ. ARTICLE 71(C), HAVING BEEN COMPLETED WITH, THE SENTENCE, AS THUS MODIFIED, WILL BE DULY EXECUTED.

(MAY BE CONTINUED ON REVERSE)

46. SIGNATURE <i>J. L. Masterson</i>		GRADE PNCS
---	--	---------------

J. L. MASTERSON, PNCS, USN, BY DIR CO USS IOWA (BB 61)

47. UNIT I.D. CODE 12345		48. RATE BTFN
49. NAME (LAST, FIRST, MIDDLE) BYERS, THOMAS GLENN		50. SSN 987-65-4321
		51. BRANCH/CLASS USN

SECTION 20

JAG MANUAL AND LINE OF DUTY/MISCONDUCT INVESTIGATIONS

This section of the Legalman/Legal Clerk Student Study Guide contains samples and information concerning JAG Manual Investigations and Line of Duty/Misconduct determinations.

The sample investigation concerning YNSN Doe is merely an example and DOES NOT contain all required findings of fact for a line of duty/misconduct investigation of this nature. This investigation is provided to give you an idea as to format requirements only.

When tasked with the responsibility of preparing a JAG Manual Investigation refer to Chapter II, Appendix A of the JAG Manual (JAGINST 5800.7C) dated 3 October 1990.

SAMPLE FIRST ENDORSEMENT TO LETTER REPORT

DEPARTMENT OF THE NAVY  
Naval Justice School  
Newport, Rhode Island 02841-5030

5830  
Ser 00/357  
14 Jan CY

FIRST ENDORSEMENT on LT Peter J. Winston, JAGC, USN ltr of  
12 Jan CY

From: Commanding Officer, Naval Justice School, Newport  
To: Judge Advocate General  
Via: Commander, Naval Education and Training Center, Newport

Subj: INVESTIGATION TO INQUIRE INTO THE ACCIDENT INVOLVING  
YNSN JANE E. DOE, USN, 111-05-0987, WHICH OCCURRED AT  
WESTMINISTER, MASSACHUSETTS ON 28 DECEMBER 19CY(-1)

1. Readdressed and forwarded.
2. It is specifically found that the injuries sustained by YNSN Doe were incurred in the line of duty and not as a result of her own misconduct.
3. The Commanding Officer, Naval Legal Service Office Detachment, Newport, Rhode Island, is requested to assert the claim against the insurance company of Mr. Ives G. Doe, to recover the reasonable costs of medical care provided by the Navy to YNSN Doe.
4. The proceedings, findings of fact, opinions, and recommendations of the investigating officer are approved.

*D. F. Mack*

D. F. MACK

Copy to:  
NAVLEGSVCOFFDET Newport RI  
LT Winston

SAMPLE INVESTIGATIVE REPORT FOR A ONE-OFFICER INVESTIGATION  
WHEN A HEARING IS NOT REQUIRED (See JAGMAN 0214)

12 Jan CY

From: Lieutenant Peter J. Winston, JAGC, U.S. Navy  
To: Commanding Officer, Naval Justice School, Newport

Subj: INVESTIGATION TO INQUIRE INTO THE ACCIDENT INVOLVING YNSN  
JANE E. DOE, USN, 111-05-0987, WHICH OCCURRED AT  
WESTMINISTER, MASSACHUSETTS ON 28 DECEMBER 19CY(-1)

Ref: (a) JAG Manual

Encl: (1) NAVJUSTSCOL ltr 5830 Ser 00/33 of 1 Jan CY  
(2) Commonwealth of Massachusetts police report of  
28 Dec CY(-1)  
(3) Statement of YNSN Jane E. Doe, USN, of 7 Jan CY  
(w/Privacy Act Statement)  
(4) Chronological record of medical care w/medical board  
attached  
(5) NAVCOMPT 3065 (Leave Authorization) ICO SNM

Preliminary Statement

1. A thorough investigation into the injuries sustained by YNSN Jane E. Doe, USN, 111-05-0987 has been conducted pursuant to enclosure (1) and in accordance with reference (a). Section 0215b of reference (a) has been complied with. There were no difficulties encountered during the conduct of this investigation.

Findings of Fact

1. At approximately 0015, 28 December 19CY(-1), a motor vehicle accident occurred on Common Road, Westminister, Massachusetts [enclosure (2)].
2. At the time of the motor vehicle accident, the vehicles involved were being driven by Ms. Paula Roche of 165 Center Lane, South Ashburnham, Massachusetts, and Mr. Gary S. Driggs of Vino Street, New Braintree, Massachusetts [enclosure (2)].
3. The vehicle driven by Ms. Roche was a 1974 Chevrolet pickup truck, Massachusetts registration #A/D 22-222 (enclosure (2)).
4. The vehicle driven by Mr. Driggs was a 1971 Chrysler sedan, Massachusetts registration #999-ACI [enclosure (2)].
5. YNSN Jane E. Doe, U.S. Navy, was a passenger in the vehicle driven by Ms. Roche [enclosures (2) and (3)].
6. The time of the accident, YNSN Doe was on authorized annual leave from Naval Justice School, Newport, Rhode Island [enclosure (5)].

Subj: INVESTIGATION TO INQUIRE INTO THE ACCIDENT INVOLVING YNSN JANE E. DOE, USN, 111-05-0987, WHICH OCCURRED AT WESTMINISTER, MASSACHUSETTS ON 28 DECEMBER 19CY(-1)

7. The vehicle being driven by Ms. Roche was registered to Mr. Yves G. Doe of 3 Oak Road, Westminister, Massachusetts [enclosure (2)].
8. The vehicle driven by Ms. Roche was the property of Mr. Yves G. Doe, YNSN Doe's father [enclosures (2) and (3)].
9. In the early evening of 27 December 19CY(-1), YNSN Doe and Ms. Roche went to the VFW Club in Westminister, Massachusetts [enclosure (3)].
10. While at the VFW Club, Ms. Roche consumed approximately seven beers and YNSN Doe drank two drinks [enclosure (3)].
11. Upon leaving the VFW, Ms. Roche drove the truck away from the Club [enclosure (3)].
12. Upon entering her father's truck and "without thinking," YNSN Doe permitted Ms. Roche to drive the truck [enclosure (3)].
13. After leaving the Club, entering the truck, and driving away, Ms. Roche proceeded down the road at an excessively high speed for the road conditions [enclosure (3)].
14. YNSN Doe told Ms. Roche to slow down, but Ms. Roche failed to comply with the request [enclosure (3)].
15. The roads were covered with snow and ice [enclosure (3)].
16. Ms. Roche turned north onto Common Road and began to slide into the southbound lane of Common Road, Westminister, Massachusetts [enclosures (2) and (3)].
17. Upon going into the southbound lane of Common Road, Ms. Roche lost control of the vehicle and struck the oncoming vehicle belonging to Mr. Driggs [enclosures (2) and (3)].
18. As a result of the accident, YNSN Doe was injured [enclosures (2), (3), and (4)].
19. As a result of YNSN Doe's injuries, she was transported to the Henry Heygood Memorial Hospital, Gardner, Massachusetts, on 28 December 19CY(-1) [enclosures (2) and (4)].
20. On 28 December 19CY(-1), after admission to the hospital, YNSN Doe underwent surgery to remove her spleen [enclosure (4)].
21. YNSN Doe also sustained injuries to her pelvic area and right sacroiliac (lower back), and suffered a mild concussion [enclosure (4)].
22. YNSN Doe was transferred to the Naval Hospital, Newport, Rhode Island, on 1 January 19CY [enclosure (4)].

Subj: INVESTIGATION TO INQUIRE INTO THE ACCIDENT INVOLVING YNSN JANE E. DOE, USN, 111-05-0987, WHICH OCCURRED AT WESTMINISTER, MASSACHUSETTS ON 28 DECEMBER 19CY(-1)

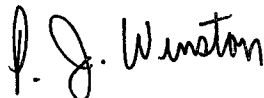
23. YNSN Doe is presently on limited duty attached to the Naval Justice School, Newport, Rhode Island, subsequent to the findings rendered by a medical board, convened at Naval Hospital, Newport, Rhode Island [enclosure (4)].

#### Opinions

1. The voluntary intoxication of Ms. Roche was the proximate cause of the accident (FOF 10, 13, and 15).
2. Excessive speed played a significant role in causing the accident (FOF 13, 14, and 15).
3. YNSN Doe used poor judgment in allowing Ms. Roche to drive from the VFW Club, but available evidence indicates that YNSN Doe attempted to get Ms. Roche to slow down and was unsuccessful (FOF 12 and 14).
4. The injuries incurred by YNSN Doe were incurred in the line of duty and not as a result of her misconduct (FOF 5, 6, 13, 14, 15, 17, and 18).

#### Recommendations

1. An affirmative claim be asserted against the insurance company of Mr. Yves G. Doe to recover the reasonable costs of providing medical care by the Navy.
2. No administrative or disciplinary action be taken against YNSN Doe.



P. J. WINSTON



**SAMPLE APPOINTING ORDER FOR A ONE-OFFICER INVESTIGATION  
WHEN A HEARING IS NOT REQUIRED (See JAGMAN 0211)**

**DEPARTMENT OF THE NAVY  
Naval Justice School  
Newport, Rhode Island 02841-5030**

5830  
Ser 00/33  
1 Jan CY

**From:** Commanding Officer, Naval Justice School  
**To:** Lieutenant Peter J. Winston, JAGC, U.S. Navy,  
000-00-0000/2500

**Subj:** INVESTIGATION TO INQUIRE INTO THE ACCIDENT INVOLVING YNSN  
JANE E. DOE, USN, 111-05-0987, WHICH OCCURRED AT  
WESTMINISTER, MASSACHUSETTS ON 28 DECEMBER 19CY(-1)

**Ref:** (a) JAG Manual

1. Under chapter II, part B, of reference (a), you are appointed to inquire, as soon as practical, into circumstances surrounding the accident that occurred at Westminister, Massachusetts on 28 December 19CY(-1).

2. You are to investigate all facts and circumstances surrounding the accident that occurred at Westminister, Massachusetts on 28 December 19CY(-1). You must investigate the cause of the accident, resulting injuries and damages, any fault, neglect, or responsibility therefor. You must express your opinion of the line of duty and misconduct status of any injured naval member. You should recommend appropriate administrative or disciplinary action. Report your findings of fact, opinions, and recommendations by 31 January 19CY, unless an extension of time is granted. In particular your attention is directed to sections 0202e, 0213, 0215b, 0229, and appendix A-2-a of reference (a).

3. (When there is a potential claim against the United States either in admiralty or under the Federal Tort Claims Act, or if there is potential litigation against the United States, add the following language:

This investigation is appointed in contemplation of litigation and for the express purpose of assisting attorneys representing interests of the United States in this matter. You will contact (the Judge Advocate providing legal support) for direction and guidance as to those matters pertinent to the anticipated litigation). (See JAGMAN 0211C).

4. (Ordinarily counsel for the proceedings will not be appointed. If appointment is desired, do here).

5. By copy of this appointing order, Administrative Officer, Naval Justice School is directed to furnish necessary reporters and clerical assistance for recording the proceedings and preparing the record.

*D. F. Mack*

D. F. MACK

Copy to:

Admin Officer

NAVLEGSVCOFFDET Newport RI (only if litigation is contemplated or  
counsel is required)

PRIVACY ACT STATEMENT  
(INJURED PARTY - LOD/MISCONDUCT DETERMINATION)

NAME: Jane E. Doe, USN

RATE/RANK: YNSN/E-3

ACTIVITY: Naval Justice School, Newport, RI TEL. NO. 848-3808

Today, (date), I acknowledged that I have received the following advisement statements from LT Peter J. Winston, JAGC, Naval Justice School, USN.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal Agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. Authority. 5 U.S.C. Section 301; 10 U.S.C. Sections 972(5), 1201-1221, 2733, 2734a, 2734b, 2737, 5131-5153, 5947, 6148, 7205, 7622, 7623, 28 U.S.C. Sections 1346, 2671-2680; 31 U.S.C. Sections 71-75, 240-243, 951-953; 37 U.S.C. Sections 802; 38 U.S.C. Section 802; 42 U.S.C. Sections 2651-2653; 44 U.S.C. Section 3101; 49 U.S.C. Section 1901.

2. Principal purposes. The information will be solicited is intended principally for the following purposes:

a. Determination on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determinations on disciplinary or punitive action.

c. Determinations on liability of personnel losses of, or damage to, public funds or property.

d. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

e. other determinations, as required, in the course of naval administration.

f. Public information releases.

g. Evaluations of procedures, operations, material, and designs by the Navy and contractors, with a view toward improving the efficiency and safety of the Department of the Navy.

3. Routine uses. In addition to being used within the Departments of the Navy and Defense for the purposes indicated above, records of investigations are routinely furnished, as appropriate, to the Veterans' Administration for use in determinations concerning entitlement to veterans and survivors benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life proceeds; to the U.S. General Accounting Office for purposes of determinations concerning payment of relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to state and local law enforcement agencies and court authorities for use in connection with civilian criminal and civilian court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident; for use in legal or administrative matters. The records are provided to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, state, or local law enforcement authorities, court authorities, administrative authorities, and military criminal, civil, administrative, and regulatory proceedings and actions.

4. Mandatory/voluntary disclosure/consequences of refusing to disclose. Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the (personal determinations) (disciplinary determinations) (pecuniary liability to the Government) (medical claims liability assignment) listed above resolved in your favor, but the final determination will be based on all evidence in the investigative record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possibly could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

#### COMPLIANCE WITH SECTION 0215b OF THE JAG MANUAL

I, Jane E. Doe, YNSN, USN, have been advised that:

- questions have arisen concerning whether or not my injury/disease, sustained or discovered on (date), was incurred in the line of duty or as a result of my own misconduct.

- in the event such injury/disease is determined to have been incurred not in the line of duty or as a result of my own

misconduct, I will be required to serve for an additional period beyond my present enlistment to make up for the duty time lost;

- lost duty time will not count as creditable service for pay entitlement purposes;

- I may be required to forfeit some pay (where absence from duty in excess of one day immediately follows intemperate use of liquor or habit forming drugs);

- if I am permanently disabled and that disability is determined to have been the result of misconduct or was incurred not in the line of duty, I may be barred from receiving disability pay or allowances, as well as veterans' benefits;

- I may not be required to give a statement relating to the origin, incurrence, or aggravation of any disease/injury that I may have.

I do do not desire to submit a statement.

Jane E. Doe, USN, USN  
Signature

Peter J. Winston, LT, JAGC, USN  
Witness (signature)

3 January 19CY.  
Date

PRIVACY ACT STATEMENT  
(WITNESS)

NAME:

RANK/RATE:

ACTIVITY:

TEL. NO.

Today, (date), I acknowledged that I have received the following advisement statement from (rank/rate, name, organization, USN/USNR).

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which required that Federal Agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. Authority. 44 U.S.C. Section 3101, U.S.C. Section 3101; 10 U.S.C. Sections 972(5), 2733, 6148, 7622-7623; 28 U.S.C. Sections 1346, 2871-2880; 31 U.S.C. Sections 82a, 240-243, 71-75, 951-953; 37 U.S.C. Section 802; 38 U.S.C. Section 105; 42 U.S.C. Sections 2651-2653; 49 U.S.C. Section 1901.

2. Intended purposes. The information which will be solicited is intended principally for the following purposes:

a. Determination on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determinations on disciplinary or punitive action.

c. Evaluations of petitions, grievances, and complaints.

d. Adjudication, pursuit, or defense of claims for or against the Government or any private parties.

e. Determinations on liability of personnel losses, of, or damage to, public funds or property.

f. Other determinations, as required, in the course of naval administration.

g. Public information release.

h. Evaluations of procedures, operations, material, and designs by the Navy contractors, with a view toward improving the efficiency and safety of the Department of the Navy.

3. Principal uses. In addition to being used within the Department of the Navy and Defense for the purposes indicated above, records of investigations are routinely furnished, as appropriate, to the Veterans' Administration for use in determinations concerning entitlement to veterans and survivors benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning payment of relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to state or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, state, or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities for use in connection with civilian and military criminal, civil, administrative and regulatory proceedings and actions.

3. Disclosure is voluntary. If you do not provide the requested information, any determinations or evaluations made as a result of this investigation will be made on the basis of the evidence that is contained in the investigative report.

(Name)  
(Rate/Rank) (USN/USNR)  
(Date)

SECTION 21

ETHICS

This section of the Legalman/Legal Clerk Student Study Guide contains information relating to Ethics/Standards of Conduct.



CHAPTER 21  
STANDARDS OF CONDUCT AND GOVERNMENT ETHICS

**01 STANDARDS OF CONDUCT REFERENCES**

- A. DOD Directive 5500.7-R of 30 August 1993: DOD Joint Ethics Regulations
- B. SECNAVINST 5370.2K: Standards of Conduct and Government Ethics.
- C. SECNAVINST 4001.1F: Acceptance of Gifts

**02 PURPOSE AND SCOPE.** The federal government has laws concerning standards of conduct to ensure that public officials serve the public good as a whole, rather than private or personal interests. To prevent conflicts of interests involving people who work for the federal government, the rules forbid specific wrongful acts, such as bribery, as well as other situations that may create the threat or the appearance of wrongful acts. That is because even though many of the situations or actions barred by the rules are not bad in themselves, they could lead to situations where an official may be too easily tempted, or where a reasonable person could think that the official has a conflict of interest. The United States Supreme Court once noted that "the moral principle upon which [the rules are based] is the Biblical admonition that 'no man may serve two masters,' Matt. 6:24, a maxim which is especially pertinent if one of the masters happens to be economic self-interest." The reason why the rules often seem so complicated is that they try to forbid harmful actions while permitting actions that do not pose the actual threat of a conflict of interest.

**03 ORGANIZATION.** The rules in the Federal Standards of Conduct are generally organized as follows:

A. The Principles. The first section of the Standards of Conduct sets out the general principles of ethical government.

B. Then, for each topic area, such as gifts, the Standards of Conduct set out the basic rule, such as "an employee shall not accept a gift given because of the employee's official position."

C. The rules then define what they mean by specific terms, such as "gift." Through the definitions, certain situations are "exempted" from the rules. For example, a donut given by a contractor is, by definition, not a gift, so it does not come within the basic rule that a person may not accept a gift.

D. Then the rules set out certain "exceptions," by listing situations that may be within the basic rule, but do not pose any danger of improper conflicts of interest.

E. Finally, the rules give examples of situations to show how the rules apply to real-life situations.

**04 APPLICATION.** Although the federal regulations are generally only apply to commissioned officers and civilian employees, the JER has made the standards of conduct applicable to enlisted personnel as well, subject to minor exceptions.

## **05 GENERAL PRINCIPLES**

A. The General Principles are very important in understanding the standards of conduct. Because the rules can be very complex, the General Principles serve as a basis for ethical decision-making. The rules may be applied to permit a wide range of conduct, provided that the conduct is within the intent and spirit of the standards of conduct as declared in the General Principles.

B. The General Principles of the standards of conduct can be summarized as:

1. Public Service is a Public Trust.
2. Employees shall not use public office for private gain.
3. Employees will not permit themselves to develop any interests in conflict with their official duties.
4. Employees must avoid even the **appearance** of impropriety.
5. Employees must act impartially in the performance of official duties.
6. Official property is for official use only.

## **06 ETHICS COUNSELORS.**

A. Because the standards of conduct can be very confusing, the regulations establish Ethics Officials in each agency to interpret them and give advice on the rules. Agency Ethics Officials are further permitted to establish a number of Ethics Counselors throughout each agency to provide specific advice and assistance to employees regarding standards of conduct issues.

B. The following officers are designated as Ethics Counselors:

1. Coast Guard: District Legal Officers, MLC Legal Officers, G-LGL.
2. Navy and Marine Corps: General Counsels of Navy Activities, Commanding Officers of Navy Legal Service Offices, and Staff Judge Advocates for officers exercising

general court-martial authority.

3. Safe Harbor Provision. The rules state that no disciplinary action may be taken against a person who engaged in conduct in good faith reliance upon the advice from an ethics official, provided the employee made full disclosure to the counselor. 5 C.F.R. 2635.107(b).

4. Anything a person says to an ethics official is not protected by the attorney-client privilege. 5 C.F.R. 2635.107; 28 USC 535. Persons acting as an ethics counselor represent the federal government and not those seeking ethics advice. Attorneys and their staff must be particularly careful to ensure that persons seeking advice about the standards of conduct understand their relationship with the ethics counselor.

#### **07 GIFTS FROM OUTSIDE SOURCES (2635: Part B (200))**

A. GENERAL STANDARDS. Federal employees may not solicit or coerce gifts, or accept gifts given because of the employee's official position. Employees may not accept gifts given by a prohibited source, defined as a person or entity that seeks action, does business with, or is affected by the performance of official duties; presumably because all such gifts are given due to the official position.

B. DEFINITION OF GIFTS. In general, a gift is defined as anything of value, such as gratuities, meals, entertainment, hospitality, travel, favors, loans, or meals. Certain items are excluded, however (2635.203(b)):

1. Snacks: modest items of food (coffee, donuts, etc.) other than as a meal.
2. Trinkets: items with little intrinsic value such as cards, trophies, or plaques.
3. Widely available benefits: loans, benefits or discounts generally available to public, or paid for at market value.
4. Prizes: awards from contests open to public, unless the entry was part of official duty.
5. Pensions: pension payments from participation in a pension plan through former employer.
6. Government-provided: items paid for by the government or accepted by the government; see also 41 CFR Part 304-1.
7. Market value: anything where the employee paid market value.

C. EXCEPTIONS. Despite the general prohibition against gifts, federal employees

may accept a number of gifts in circumstances where the gift would clearly not violate the General Principles of the standards of conduct. 5 C.F.R. 2635.204. Specifically:

1. The *De Minimis* Exception: Most employees may accept unsolicited gifts worth \$20 or less; procurement officials may accept gifts worth \$10.00 or less (41 CFR 3.104). Employees may decline any distinct and separate item to bring the total value of a gift within the limitation, but they may not use the exception as a type of discount by paying the value over \$20.00. Employees may not accept gifts totaling over \$50.00 from the same source in a calendar year.

2. Personal Gifts Exception: Employees may accept gifts that are in fact based on a personal, unofficial relationship rather than the official position of employee. The exception is very fact-specific; persons should look at factors such as who paid for the gift and the nature and history of the relationship.

3. Group Benefits and Discounts: Non-discriminatory benefits that are available to all employees may be accepted if they are reduced fees for joining a professional organization, offered to broad segment of population in addition to the government employees, or offered by non-prohibited source.

4. Awards: Awards of \$200 or less may be accepted if they are received subject to an established recognition program, with written standards, for meritorious service from other than a prohibited source. An agency ethics official may approve a greater award under some circumstances.

5. Moonlighting Exception: Federal employees may accept gifts from outside employment activities not related to their official duties, provided the gifts are not offered because of official status and they are of a type customarily provided by employers or prospective employers. The employee, however, must first be disqualified from any future actions involving the outside employer.

6. Widely Attended Gathering Exception.

a. Employees may accept gifts of free attendance at a gathering or event from the sponsor of the event, under two circumstances.

(1) Speaking. If the employee will participate or speak at the event; or

(2) Agency Interest. If the event will be widely attended by persons throughout an industry, or representing a range of interests, the employee's supervisor may permit attendance based on a determination that the attendance will further agency programs or operations.

b. Free attendance includes items such as food, entertainment and

instruction, or materials, but does not include transportation, lodging, expenses, or meals not incident to the event.

7. Social Exception: Employees may freely attend parties and enjoy the food and entertainment provided, as long as the host is not a prohibited source and no fee is charged to the others at the affair.

8. Foreign Meals Exception: An employees may accept food and entertainment given at a meeting in a foreign area, provided the cost of the meal is within the per diem rate and the attendance is a part of the employee's official duties. In addition, the event must include participation by non-U.S. persons and the gift must be provided by a person other than a foreign government.

9. Charity Participation Exception: Employees may accept free attendance, course and meeting materials, transportation, lodging, and food provided by a tax-exempt organization and incident to training or meetings, if approved by the employee's agency. 5 U.S.C. 4111 .

10. Foreign Gifts Exception: Employees may accept a gift from a foreign government or international organization, if the gift is of minimal value, currently defined at 41 CFR 101-49.001-5 as less than \$250. Even so, members may never solicit or encourage gifts, decorations, or awards from a foreign government. All decorations, awards, and gifts from foreign governments to U.S. naval military and civilian personnel, and their spouses and dependents, must be processed under the procedures outlined in chapter 7 of SECNAVINST 1650.1E, United States Navy and Marine Corps Awards Manual.

11. Festival Exception: In addition to the exceptions provided in the Federal Regulations, the JER states that DOD personnel may accept a gift of free attendance at an event sponsored by a state or local government, or a tax-exempt organization, if the supervisor approves it as justified by community relations.

D. Regardless of the foregoing exceptions, federal employees may not accept any gifts in the following specific circumstances. 5 C.F.R. 2635.202(c):

1. In return for being influenced in an official act;
2. Given because of solicitation or coercion;
3. Given on a recurring basis; or
4. In violation of any law, such as the Procurement Integrity Act.

E. GIFTS TO THE DEPARTMENT OF THE NAVY. The Department of the

Navy may accept gifts to the Department or certain commands under specific circumstances outlined in SECNAVINST 4001.2F; MCO 4001.2B. All gifts received must be forwarded to an approval authority for decision. The Department will decline any gift that might embarrass the Department or the government, or that may imply an endorsement of commercial enterprise. In any event, personnel may not solicit gifts. A sample memorandum to the acceptance authority is provided in the appendix to this chapter.

#### F. RETURNING GIFTS. 5 C.F.R. 2635.205.

1. In some instances, an employee may receive a gift that can't be accepted. In those cases, the employee must either return it, pay for it, or accept it on behalf of the agency, if authorized. If the gift is perishable, though, such as food or flowers, the gift may be given to a charity, shared within the office or unit, or destroyed.

2. An employee cannot agree to reciprocate as a way of reimbursing someone for a gift. For example, an employee can't accept a free meal in violation of the rules, even if the employee will or has paid for a free meal for the other person on some other occasion.

3. When accepting items on behalf of the government, the gifts must be properly forwarded. To forward:

a. Gifts from foreign governments, see 41 C.F.R. 101-49

b. Materials from official travel, see 41 CFR 101-25.103

#### **08 GIFTS BETWEEN EMPLOYEES 5 C.F.R.2635 Part C**

A. GENERAL STANDARDS: The regulations strictly prohibit supervisors from forcing a subordinate to give a gift. 5 C.F.R. 2635.301(c). In addition, the rules bar employees from giving gifts to superiors or their families, and from soliciting for gifts, except under some specific exceptions.

B. EXCEPTIONS. The exceptions to the general prohibition on gifts between employees are:

1. Gifts based on a personal relationship. If the two employees have a personal relationship justifying a gift and they are not in a subordinate-superior relationship, one may give a gift to the other.

2. Voluntary contributions. Groups may solicit for contributions to gifts by fellow employees provided no coercion is used and the amount is determined by the

giver. In addition, contributions cannot exceed \$10.00, except for contributions towards food and entertainment. Finally, the total value of the group gift cannot exceed \$300.00, regardless of the size of the group. 5 C.F.R. 2635.303(f); JER 2-203.

3. Tokens. On an occasional basis, employees may give token gifts with a value of \$10.00 or less to superiors. That exception would permit an employee to bring back a coffee mug or bag of candy from a vacation trip without violating the rules. 5 C.F.R. 2635.304.

4. Food and refreshments. Employees may share food and refreshments in the office. In addition, they may offer reasonable personal hospitality at a residence, or provide a gift in return for personal hospitality. 5 C.F.R. 2635.304(a). The rules do not require employees to limit their meals to under \$10.00 when the boss is invited to dinner!

5. Special occasions. On special infrequent occasions, such as marriage, childbirth, retirement, or transfer, a subordinate may give a gift appropriate to the occasion. 5 C.F.R. 2635.304(b).

**09 CONFLICTING FINANCIAL INTERESTS.** Criminal law prohibits employees from taking official action in any particular matter in which they have a financial interest, if the action will have a direct and predictable effect on the interest. 5 C.F.R. 2635.402; 18 USC 208a. Employees faced with such a conflict of interest must provide written notice of their disqualification to the appropriate supervisor. JER 2-204.

**010 IMPARTIALITY IN OFFICIAL DUTIES.** 5 C.F.R. 2635.502. In order to foster public confidence in their government, the regulations prohibit employees from acting in matters where a reasonable person would question the employee's impartiality; unless the actions are authorized by an appropriate supervisor who determines that no conflict or possible lack of impartiality exists.

**011 SEEKING OTHER EMPLOYMENT.** A federal official is not permitted to take any official action with regard to a possible future employer with whom person is seeking employment. 5 C.F.R. 2635.604. When faced with a potential conflict, the member must give the supervisor a written notice of disqualification. JER 2-204. As long as the employee provides timely notice and disqualification, however, the employee may accept interviews, including travel, lodging and meals; even from a prohibited source. 5 C.F.R. 2635.204(f).

**012 MISUSE OF POSITION.** 5 C.F.R. 2635 Part G.

A. A fundamental principle of the standards of conduct is that federal employees may not use public office for private gain. 5 C.F.R. 2635.702. Therefore, they may not use their official positions to endorse products or services, coerce benefits, help friends,

or give any appearance of government approval for private benefit.

B. Employees may not use non-public information for personal benefit, or allow the improper use of non-public information by others. 5 C.F.R. 2635.703. Non-public information includes information exempt under 5 U.S.C. 552, or otherwise protected by statute, Executive Order or regulation, information designated as confidential, and information not released to the general public and not authorized for release.

C. Federal employees may not misuse government property. 5 C.F.R. 2635.704. Since government property is for government use only, actions such as using government computers for personal profit, mailing personal letters as official mail, or misusing a government vehicle is clearly improper. Telephones are for official use as well, although no-cost, no-interference-with-duty use for minor, necessary personal business is authorized by the JER. JER 2-301.

D. Federal officials shall also not misuse official time; either their own or that of their subordinates. Hours for which personnel are receiving pay from the government should be dedicated to the government, not personal interests. 5 C.F.R. 2635.705. This rule bars such misuse as ordering junior personnel to trim the lawn of a superior or to provide off-duty taxi service.

E. DOD employees shall not solicit or make any sales, either on-duty or off-duty, to other DOD personnel who are junior to them, except for two specific situations. First, employees may sell or lease non-commercial personal or real property. Second, they may make sales in a retail store during off-duty employment. JER 2-205.

### **013 OUTSIDE ACTIVITIES.**

A. OUTSIDE EMPLOYMENT. 5 C.F.R. 2635.802; JER 2-206, 2-303.

1. Personnel are authorized to engage in outside employment, both paid and unpaid, provided the second job doesn't conflict with the General Principles of ethical conduct. Specifically, personnel may not engage in outside employment that:

- a. Interferes with official duties,
- b. involves conflicts of interest,
- c. Violates regulations, or
- d. Creates an appearance of impropriety.

2. In addition, military members must have command approval before undertaking outside employment. JER 2-206, 2-303.



3. Two other strong prohibitions limit outside employment. First, employees may not receive outside compensation for their official duties, in violation of 18 U.S.C. 208. Second, employees may not act as agents for anyone other, than family members, in any matter in which the U.S. government has an substantial interest or is a party. Certain employees, such as attorneys, have additional restrictions. See JAGINST 5803.1A.

B. EXPERT WITNESSES. 5 C.F.R. 2635.805. Federal employees are prohibited by regulations from serving as expert witnesses in court, except on behalf of the United States, or as authorized by the employee's agency in consultation with the Department of Justice and the agency most closely involved in the litigation. If subpoenaed, though, employees are permitted to testify as fact witnesses. Coast Guard employees and retirees are subject to even stricter limitations contained in 49 C.F.R. Part 9. Those regulations require parties seeking Coast Guard witnesses to first seek all available information through the Freedom of Information Act, then to schedule one deposition only to examine the witness. The regulations do not authorize an agency to disregard a court order or a court-approved subpoena, however.

C. TEACHING, SPEAKING, WRITING. 5 C.F.R. 2635.807.

1. Federal employees may not be compensated by outside entities for teaching, speaking, or writing, if the subject of the effort relates to official duties. The subject relates to official duties if the communication of the material is part of the employee's duties, the invitation was based upon the person's official position, the information is derived from non-public information, the subject deals with the employee's official ongoing duties or those within past year, or the subject relates to any ongoing or announce policy, program, or operation of the agency.

2. Current regulations regarding honoraria further restrict federal officials, including commissioned officers, from receiving compensation for speaking, writing, or making an appearance, even when the subject matter does not relate to the person's official duties. A federal appeals court found those restrictions to be unconstitutional and they are currently not enforceable. The United States Supreme Court has recently heard arguments on the case, but has not yet issued its opinion.

3. The rules provide an exception to the foregoing general prohibition for persons who engage in teaching at an approved school. Employees may be paid for teaching if it is not part of the employee's official duties and the course is part of regular curriculum of an elementary school, secondary school, institute of higher learning as defined at 20 U.S.C. 1141(a), or is sponsored by the State, local, or Federal government.

4. Employees may generally not use their official title in connection with teaching, speaking, or writing, except that the title may be included in the author's biography, or used in connection with a professional article as long as the article has a disclaimer that the views are not necessarily those of the government. In addition,

employees who customarily use their titles as a term of address or rank may use the term in connection with speaking, writing, or teaching.

**014 FUNDRAISING.** 5 C.F.R. 2635.808. Employees may participate in charitable fundraising, provided that they do not personally solicit from subordinates or prohibited sources, or use their official position. In addition, employees may not engage in actions that violate other ethics rules, such as giving away or using official property, or creating an appearance of partiality or impropriety. Other regulations, though, permit Commanding Officers to use official property in support of charitable organizations, as noted below.

**015 GAMBLING.** Gambling is generally not allowed for DOD employees on duty or on federal property. JER 2-302. The rule makes an exception for private wagers in living quarters, based on personal relationships, provided that the wagers don't violate local law. Note, however, that gambling with subordinates may violate Articles 133 or 134 of the UCMJ, by constituting fraternization. The rules also make an exception for gambling activities conducted by organizations made up of DOD members or dependents, when the gambling is only among the members and is approved by the Commanding Officer. Finally, gambling by undercover law enforcement agents in the line of duty does not violate the rule.

**016 SANCTIONS.** Supervisors may punish violators of the standards of conduct in a number of ways. Although the federal regulations are limited only to civilians and commissioned officers, the JER has made most provisions of the ethics regulations applicable to enlisted members as well. JER 1-300(b).

A. **ADMINISTRATIVE SANCTIONS.** Practically speaking, most violations of the standards of conduct are not punished through criminal proceedings for a variety of reasons. The most common punishment is through administrative sanctions such as letters of reprimand, poor marks, or removal from positions of trust. Those administrative tools provide an immediate means of correcting developing ethics problems before they develop.

B. **CRIMINAL SANCTIONS.** Although the regulations themselves do not establish criminal sanctions, the underlying statutes do. 5 C.F.R. 2635.106. For example, a person who accepts outside compensation for performing official duties not only violates the regulation, but also violates 18 U.S.C. 208 and is subject to prosecution.

C. **UNIFORM CODE OF MILITARY JUSTICE.** In addition to the specific ethics statutes, most violations of the standards of conduct by military personnel may be punished under the Uniform Code of Military Justice. The JER is a punitive general regulation and applies to all military members without further implementation. DOD Directive 5500.7 § B.2.a. Potential UCMJ violations include:

1. Misappropriation (Art. 121)
2. Bribery and graft (Art. 134)
3. False pretenses (Art. 134)
4. Failure to obey (Art. 92)
5. Conduct unbecoming (Art. 133)
6. Wrongful disposition of government property (Art. 108, 109)
7. Wrongful appropriation (Art. 121)
8. Dishonorably failing to pay debts (Art. 134)
9. Bad checks (Art. 134)
10. False pretenses (Art. 34)

#### **017 NON-FEDERAL ENTITIES.**

A. DEFINITION. Non-Federal entities include a wide range of organizations that provide charitable, morale, civic, entertainment, and recreation support to servicemembers or the public. They include military spouse organizations, the Red Cross, the American Bar Association, the Girl Scouts, and the Reserve Officer's Association, among others.

B. OFFICIAL PARTICIPATION. DOD employees may be permitted to attend meetings or other functions as a part of their official duties, if the supervisor determines that the attendance would serve a legitimate Federal Government purpose. They may also be authorized to participate as speakers or panel members. JER 3-200. In addition, DOD members may be detailed to serve as official liaisons where DOD has a significant and continuing interest that may be served. JER 3-201. Members may not receive any payment for performing official duties, however; and they may generally not serve in a management position with the non-Federal entity. JER 3-202.

C. NON-OFFICIAL PARTICIPATION. In off-duty time, a federal employee may freely participate in non-Federal entities, provided that the participation is not within the scope of official duties and the employee does not take official action in any matter in which the employee is an active participant. JER 3-300.

D. OFFICIAL SUPPORT OF NON-FEDERAL ENTITIES. A unit may support non-Federal organizations for a number of proper and ethical considerations, such as

supporting the local community, maintaining good public relations, enhancing morale, or assisting worthy charities. The restrictions imposed on support to outside organizations are intended to ensure that support is provided in an equitable and non-discriminatory manner.

1. A unit may sponsor an event only when the activity is not a business function of the civilian entity, the event is relevant to the mission of the unit, including maintaining morale, and the entity is recognized or approved for the purpose. JER 3-208.

2. Units may endorse or support fundraisers only when they involve the Combined Federal Campaign (CFC), emergency and disaster appeals approved by OPM, or service relief funds. JER 3-210.

3. Units may support the events of a non-Federal entity only when the event serves community relations, is of interest to the local civilian or military community as a whole, and the support will not interfere with official duties and readiness. In addition, a unit providing such support to one entity must provide like support to other similarly situated organizations. Finally, the entity may only charge a reasonable admission to the event. JER 3-211.

4. The JER authorizes commanding officers to permit their members to use some Federal resources in support of non-Federal entities. JER 3-305 a. Specifically, a commanding officer may authorize the occasional use of telephone systems, on a not-to-interfere with official duty basis. Also, a commanding officer may authorize the use of office equipment, libraries, and so forth, as long as the entity is not a prohibited source. The use must serve a legitimate public interest or enhance the professional development of the employee, be only during personal time, and not interfere with official duties. In no event, however, may personnel use clerical or staff personnel to support a non-Federal entity, nor may they use copiers. JER 3-305b. The use of the command secretary to photocopy newsletters for the spouse's club would be a clear violation of the regulations.

5. Notwithstanding all of the that, military relationships with certain organizations, such as the U.S.O., the C.F.C., and the Red Cross, are governed by specific regulations or statutes. See JER 3-212 for additional information.

## **018 TRAVEL BENEFITS.**

A. ACCEPTANCE OF TRAVEL FROM NON-FEDERAL SOURCES. Personnel may accept official travel from non-federal sources in connection with their attendance in an official capacity at a meeting or similar event, in accordance with 31 USC 1353. However, personnel may not accept cash payments on behalf of the Federal Government. JER 4-100.

## B. ACCEPTANCE OF INCIDENTAL BENEFITS. JER 4-200.

1. Any benefit, such as frequent flyer miles, that a federal employee receives as a result of official travel becomes government property and must be used in connection with official travel. The best use of the benefits is to purchase additional official travel, although they may also be used for ticket upgrades. Personnel may use the government frequent flyer mileage to upgrade to business class, but not to the highest class of seat available on the flight, because of the appearance of impropriety. JAG13 memo dated 10 Dec 93.

2. If the travel benefits from a non-federal source cannot be used for official purposes, then they must be treated and handled as a gift. For example, frequent flyer miles on account when the member leaves active duty may not be used by the departed member without violating U.S. Law. Therefore, the mileage must be declined in accordance with 5 C.F.R. 2635.

3. Many airlines provide free tickets to persons "bumped" from overbooked flights or who voluntarily surrender their tickets in lieu of later, less crowded flights. When a member receives free tickets for surrendering a seat on an overbooked flight, the member may use the tickets for personal travel, as long as the delay incurred was on the member's own time and not on duty time. If the delay was on government time, then the tickets become the property of the U.S. government.

## 019 CONFLICTS OF INTEREST. 18 U.S.C. 208, JER 5-300.

A. FINANCIAL CONFLICTS OF INTEREST. 18 U.S.C. 208 and JER 5-300 provide that DOD employees may not participate personally and substantially in a particular matter in which they have a private financial interest, if the particular matter will have a direct and predictable effect on that interest. Members may seek a waiver from the strict application of 18 U.S.C. 208 and its accompanying regulations in cases where the financial interests are so minor or attenuated as to present little actual conflict of interest with official duties. SECNAVINST 5370.2, JER 5-302.

## B. REPRESENTING OTHERS.

1. Employees, other than enlisted personnel, may not act as an agent or representative for anyone in any matter that involves the U.S. as a party, or in which the U.S. has a direct and substantial interest. 18 USC 205. The types of matters in which representation are barred include judicial or other proceedings, applications, requests for rulings or other determinations, contracts, claims, controversies, investigations, charges, accusations, arrests, or other matters.

2. The law does provide some exceptions to the general ban. Specifically, the law does not bar employees from giving testimony under oath, representing another

person in a disciplinary, loyalty, or other administration proceeding, or representing family members or an estate in which the employee is the fiduciary. 18 USC 205, JER 5-403.

C. CIVIL OFFICE. JER 5-407. Officers on active duty may not hold civil office, unless expressly authorized by law. However, officers may serve on a nonpartisan basis on an independent school board, provided the school board is located wholly on military property. 10 USC 973.

D. COMMERCIAL DEALINGS. JER 5-409. In general, personnel may not solicit or make solicited sales to junior personnel, on or off duty, except in a few strictly limited circumstances; specifically:

1. The sale or lease of non-commercial personal or real property in the absence of intimidation or coercion;

2. Commercial sales solicited or made in a retail establishment during off-duty employment; and

3. Sales made because the junior approached the senior and requested the sale, absent coercion or intimidation.

## **020 POLITICAL ACTIVITIES.**

A. REFERENCE: DOD Dir. 1344.10

### **B. GENERAL POLICIES AND LIMITATIONS.**

1. Members on active duty are encouraged to take advantage of their rights as citizens, subject only to the limitations necessary to protect good order and discipline and ensure the United States military does not choose political sides. The ultimate mission of the the United States military is to support and defend the Constitution of the United States.

2. Therefore, military members may engage in private political activity not involving partisan politics. They may not, however, participate in partisan politics, including management of campaigns or conventions, making campaign contributions to another member of the armed forces or employees of the Federal Government, or becoming a candidate for civil office. The law does provide some exceptions to the ban on campaigning for office, though. Enlisted members may seek and hold non-partisan civil offices such as a notary public or member of the school board, neighborhood planning commission, or similar local agency; as long as it is in a private capacity, and does not interfere with military duties. In addition, Reserve members not on extended active duty may hold civil office as long as it is in a private capacity and does not

interfere with the performance of military duties.

C. PERMISSIBLE POLITICAL ACTIVITIES. Members may engage in a number of specific political activities. Specifically, a member may:

1. Register, vote, express personal opinion as a private person.
2. Encourage others to exercise their vote, as long as it is not an attempt to influence or interfere with the outcome of an election.
3. Join political clubs and attend meetings, as long as not in uniform.
4. Serve as an election official, with Secretary approval.
5. Sign petitions for specific legislative action or to nominate a candidate, as long as it does not require partisan activity and is done as a private citizen.
6. Write letters to the editor.
7. Make contributions to political organizations, subject to the certain limits.
8. Display a political sticker on the member's private vehicle.

D. PROHIBITED POLITICAL ACTIVITIES. In order to prevent the military from become politicized, military members are not allowed to:

1. Conduct any political activity while in uniform.
2. Use official authority to influence or interfere with elections.
3. Poll members of the armed forces. 18 U.S.C. 596.
4. Be a candidate for civil office, except as noted above.
5. Actively participate in partisan political activities, such as publishing partisan political articles, participating in partisan political management or campaigns, making public speeches in the course of partisan campaigns, making or soliciting contributions from or to other service members or civilian officers or employees of the United States for promoting a political cause or objective.
6. Use contemptuous words against the officeholders described in Article 88 of the UCMJ.
7. Display a large political sign, banner or poster on the top or side of a private

vehicle.

8. Join in an effort to provide transportation to polls, if organized by partisan activity.

E. RELATIONSHIP TO FIRST AMENDMENT RIGHTS. The Supreme Court has consistently upheld the foregoing and related regulations against challenges that the regulations unduly restrict the First Amendment rights of service members.

## **021 SEEKING OTHER EMPLOYMENT**

A. REFERENCE: Chapter 8, JER.

B. GENERAL RULES.

1. All members, including enlisted members, may not participate in matters in which they, their family, or an entity they are seeking employment from, have a financial interest. JER 8-200

2. During a procurement, a procurement official may not discuss or negotiate employment with one of the competing contractors. JER 8-300, FAR 3.104-6. The only exceptions to that rule are when the procurement official has left the federal government service, has been recused from the procurement, or whose only communication with the competitor has been to reject the offer of employment.

C. REPORTING EMPLOYMENT CONTACTS. JER 8-400; 10 USC 2397a. Any military officer of paygrade O-4 or above, or civilian employee GS-11 or above, who performed a procurement function involving a defense contractor who received at least \$25,000 in DOD business, and who is subsequently contacted by that defense contractor about future employment must report the fact of the contact in writing to the appropriate supervisor. The report must include the names of the government officer or employee and the contractor involved, as well as the date of the contact and a description of what happened. In addition, the federal official involved must submit a written statement disqualifying the officer from any procurement function involving that contractor until such time as the employment negotiations have ceased without a hire.

## **022 POST-EMPLOYMENT RESTRICTIONS**

A. REFERENCES

1. JER Chapter 9.

2. 5 CFR 2641.



**B. PURPOSE.** Federal regulations impose a number of restrictions on federal employees after they leave the government service. The regulations seek to avoid the possibility that an employer could appear to make unfair use of an employee's prior Government service and affiliations. At the same time, they seek to avoid unduly restricting the ability of persons to move back and forth between government and the private sector.

**C. RESTRICTIONS ON POST-GOVERNMENT EMPLOYMENT.** JER 9-300, 18 USC 207.

1. No former employee may attempt to influence the government on a matter involving specific parties, in which the employee participated personally and substantially as a government employee and in which the United States is a party or has a direct and substantial interest. This is a lifetime restriction.

2. For two years, a former employee may not represent another person before the government in an attempt to influence the government in connection with a matter that was pending under the former employee's responsibility.

3. For one year, a former employee may not represent another with regard to any ongoing treaty or trade negotiations in which the former employee participated.

4. For one year, a former senior employee, such as an O-7 or above, may not represent another before the former employee's agency in connection with seeking official action.

5. Military officers may not represent others in the sale of anything to the Federal Government through the department in which they hold retired status for a period of two years. 18 USC 281a; JER 9-700. They may, however, represent themselves. JER 9-700.

**023 TRAINING REQUIREMENTS.** All DOD employees must receive initial ethics training within 90 days of entering on duty. JER 11-301. In addition, all employees who file an SF 278 or an SF 450, contracting officers and procurement officials, shall receive ethics training every year. JER 11-302. The training must last at least one hour, and must be conducted by a qualified person. A qualified person is someone who either serves as an agency ethics official, is an employee of the Office of Government Ethics, or who is determined by the agency to be sufficiently familiar with the statutes and regulations to respond to routine questions during training. The training must include, at a minimum, a review of Part I of Executive Order 12674, Principles of Ethical Conduct for Government Officers and Employees (JER 12-100); and 5 CFR Part 2635 (JER 2-100) and the JER itself.

**024 FUNDRAISING.**

## A. REFERENCES

1. DODDIR 5035.1
2. SECNAVINST 5340.1
3. SECNAVINST 4001.2E
4. SECNAVNOTE 5340

## B. GENERAL POLICIES

1. **Preferential Treatment.** Command support of fundraising activities must not involve or create an appearance of preferential treatment for any organization or person. If one organization is supported, the command must be prepared to give similar support to similarly situated organizations. This policy does not apply to fundraising support for the Combined Federal Campaign, Navy and Marine Corps Relief, a disaster appeal approved by the Office of Personnel Management or an approved Olympic event.

2. DOD policy prohibits government participation in events clearly sponsored by, or conducted for the benefit of, commercial interests.

3. Unless authorized by the Secretary of the Navy, personnel may not solicit contributions for Department of the Navy organizations or augment appropriated funds through outside resources. For example, commands are not permitted to seek donations from local merchants for a command holiday party.

4. **Voluntariness.** Where solicitation for charity is authorized, fundraisers must ensure that requests are made in a way that ensures that contributions are in fact voluntary. Any actions that do not allow free choices or create the appearance that servicemembers do not have a free choice to give any amount, or not to give at all, are prohibited. The practices prohibited by this rule include:

- a. Supervisory solicitation of supervised employees;
- b. setting 100 percent participation goals, mandatory personal dollar goals, or quotas;
- c. providing or using contributor lists for purposes other than the routine collection and forwarding of contributions and pledges or in the alternative, developing or using noncontributor lists; and
- d. counseling or grading individual service personnel or civilian employees about their failure to contribute or about the size of their donation.

C. ON-THE-JOB SOLICITATIONS FOR THE COMBINED FEDERAL CAMPAIGN. Servicemembers have the opportunity through a single on-the-job solicitation to make voluntary contributions to such charitable health and welfare agencies within the local Combined Federal Campaign as they wish to support. Such solicitations must be conducted in strict conformity with guidelines published annually.

D. OFF-THE-JOB SOLICITATIONS. An installation commander may authorize voluntary agencies to solicit at private residences or family quarters located in unrestricted areas of the base, as long as other, similar agencies are given the same opportunities. In addition, charitable agencies may be permitted to engage in limited solicitation at public entrances or concourses of federal buildings or installations that are normally open to the public. Collection boxes for purely voluntary donations of goods may be placed in work spaces and offices. Federal employees may not conduct solicitations while on duty, however, or in any official capacity. Further, they may not allow the use of their titles, grades, or positions to support fundraising for any private organization.

E. NAVY RELIEF DRIVE. The Secretary of the Navy publishes the "Navy Relief Society Annual Call for Contributions" and specifically establishes the guidelines under which the campaign is to be conducted.

F. FUNDRAISERS CONDUCTED BY MORALE, WELFARE, AND RECREATION (MWR) ACTIVITIES. Fundraising events may be held in support of MWR activities provided that all members or patrons of the sponsoring MWR activity are authorized patrons, the activities are conducted entirely on Federal property, the solicitations are restricted to authorized patrons, and (d) all proceeds from the fundraising event are used by the sponsoring MWR activity solely for the benefit of authorized patrons. Strict limitations apply to use of golf-courses and bowling alleys for fundraising.

G. OTHER FUNDRAISING ACTIVITIES. Service public affairs manuals authorize participation in limited public fundraising events: (a) military support organizations (e.g. USO); (b) local, community-wide programs (e.g. volunteer fire departments, rescue units or youth activity funds); and (c) the Olympic and Pan American Games.

**SAMPLE GIFT FORWARDING LETTER**

5800  
JA  
2 Feb CY

**MEMORANDUM FOR THE COMMANDING GENERAL**

**Subj: OFFER OF GIFT**

**Ref: (a) MCO 4001.2A**

**Encl: (1) CO, MCAS, Iwakuni ltr 4001 MASD of 18 Jan 89  
(2) Iwakuni OWC ltr of 12 Jan 89**

1. By the enclosure, the Commanding Officer, Marine Corps Air Station, Iwakuni forwards a gift of \$1,779.90 from the local Officers' Wives Club for the station Child Development Center. I recommend that you accept this gift on behalf of the Marine Corps.

2. This gift was not solicited. The value of the gift is within your authority to accept under the reference. Acceptance of this gift will not result in embarrassment to the Marine Corps. The donor has not placed any conditions on the gift other than using the money to enhance the Child Development Center. Acceptance of this gift will not create any expectation of reciprocal benefit for the donor. The donor does not do or seek business with the government.

3. I recommend you accept the gift. If you concur, we will coordinate its deposit with CMC (FD), notify the commander, and ensure he sends an appropriate letter thanking the donor.

Very respectfully,

S. J. ADVOCATE

CG Decision:           Approved \_\_\_\_\_  
                          Disapproved \_\_\_\_\_

**SAMPLE MEMORANDUM OF DISQUALIFICATION**

MEMORANDUM FOR

Subj: FINANCIAL DISCLOSURE REPORT (SF-278) (OR SF 450)

Ref: (a) DOD Dir. 5500-7.R, Joint Ethics Regulations

Encl: (1) List of reported holdings involving defense contractors

1. As required by reference (a), I have reviewed your Financial Disclosure Report dated \_\_\_\_\_.
2. Your report reveals that you, your spouse, minor child, or a member of your household hold a financial interest in one or more entities that do business with the Department of the Navy. Comparing these reported holdings to your assigned duties as \_\_\_\_\_ I have concluded that your responsibilities require your participation in matters involving, directly or indirectly, the firms identified in enclosure (1). Therefore, as required by reference (a), you are hereby disqualified from taking any action in connection with matters involving these firms.
3. As a result of this disqualification, you and, by copy of this memorandum, your immediate subordinates, are directed to refer to me all official matters involving the firms listed in enclosure (1) (and their subsidiaries and affiliates) that would normally come to you for action.
4. You are advised that in accordance with reference (a), your Financial Disclosure Report has been forwarded to \_\_\_\_\_, the cognizant Deputy Ethics Official, for final review.

F. P. ADAMS  
Commander, Naval Sea Systems Command

Copy to:  
(Immediate subordinates)

Received by: [Involved Employee]

Date: \_\_\_\_\_

**SAMPLE PROCUREMENT INTEGRITY CERTIFICATION**

3 Dec 90

MEMORANDUM FOR THE COMMANDING OFFICER

From: Staff Judge Advocate

Via: (1) Executive Officer

Subj: PROCUREMENT INTEGRITY CERTIFICATION

Ref: (a) 41 U.S.C. 423

Encl: (1) Certifications

1. In my opinion, you, the Executive Officer, and the Supply Officer are considered "procurement officials" for the purposes of reference (a). All persons identified as procurement officials are required to file certifications that they are familiar with the requirements of the Federal Procurement Policy Act.
2. Should you concur, proposed memoranda for the affected individuals are enclosed. Once signed, the certificates will be retained on file.

Very respectfully,

S. J. ADVOCATE

**SAMPLE PROCUREMENT OFFICIAL CERTIFICATION DOCUMENTS**

Date

**MEMORANDUM**

**From:** Commanding Officer

**To:** Colonel David Charles USMC

**Subj:** PROCUREMENT OFFICIAL CERTIFICATION

**Ref:** (a) The Office of Federal Procurement Policy Act, Title 41, U.S. Code, Section 423, as amended by Section 814 of Public Law 101-189

**Encl:** (1) OGE Memo of 31 Oct 90  
(2) Procurement Official Certification

1. I have determined that the duties and responsibilities of your position, like my own, subject you to the certification requirements of reference (a) that took effect on 1 December 1990. All individuals subject to certification must review the information contained in enclosure (1) and indicate their understanding and compliance by signing enclosure (2), the Procurement Integrity Certification and the attached Privacy Act Notice.
2. This must be done before performing any procurement functions. If you have any questions, Major Dadd stands ready to assist you. Return the signed certification to Ms. DeMeana for filing.

Respectfully,

M. E. SHAWSHIK  
Colonel, USMC  
Commanding Officer

## PROCUREMENT INTEGRITY CERTIFICATION FOR PROCUREMENT OFFICIALS

As a condition of serving as a procurement official, I,

\_\_\_\_\_, hereby certify that I am familiar with the provisions of Subsections 27 (b), (c), and (e) of the Office of Federal Procurement Policy Act, Title 41, U.S. Code, Section 423, as amended by Section 814 of Public Law 101-189. I further certify that I will not engage in any conduct prohibited by such subsections and will report immediately to the contracting officer any information concerning a violation or possible violation of Subsections 27 (a), (b), (d) or (f) of the Act and applicable implementing regulations. A written explanation of Subsections 27 (a) through (f) has been made available to me. I understand that, should I leave the Government during the conduct of a procurement for which I have served as a procurement official, I have a continuing obligation under section 27 not to disclose proprietary or source selection information relating to that procurement and a requirement to so certify.

\_\_\_\_\_  
Signature of Procurement Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department or Agency

\_\_\_\_\_  
Office Telephone Number

\_\_\_\_\_  
Name of Procurement Official

\_\_\_\_\_  
Social Security Number

\* \* \* \* \*

### PRIVACY ACT NOTICE TO EMPLOYEES AND OFFICIALS

In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), the following notice is provided:

**AUTHORITY FOR THE COLLECTION OF INFORMATION:** 41 U.S.C. 423 and Executive Order 9397.

Your signature on the Optional Form 333, Procurement Integrity Certification for Procurement Officials, and disclosure of your Social Security Number on this page, are voluntary, but possible effects upon you if the certification is not signed and the Social Security Number is not provided include the following:

Disqualification from the particular work or duty assignments, or from the position for which you applied or which you currently hold, or other appropriate action, or administrative delay in processing your certification.



**PRINCIPAL PURPOSE FOR COLLECTION OF THIS INFORMATION:**

To obtain and maintain a completed certification from any person designated as a "procurement official," as defined by 41 U.S.C. 423 and applicable procurement regulations.

**ROUTINE USES WHICH MAY BE MADE OF THE COLLECTED INFORMATION:**

Transfers to Federal, state, local or foreign agencies when relevant to civil, criminal, administrative, or regulatory investigations or proceedings, including transfer to the Office of Government Ethics in connection with its program oversight responsibilities, or pursuant to a request by any appropriate Federal agency in connection with hiring, retention, or grievance of an employee or applicant, the issuance of a security clearance, the award or administration of a contract, the issuance of a license, grant, or other benefit, to committees of the Congress, or any other use specified by the Office of Personnel Management (OPM) in the system of records entitled "OPM/GOVT-1 General Personnel Records," as published in the Federal Register periodically by OPM.

SECTION 22

TRIAL PARALEGAL DUTIES

This section of the Legalman/Legal Clerk Student Study Guide contains a court-martial screening list for use in executing trial paralegal duties.

COURT-MARTIAL SCREENING CHECKLIST

1. CONVENING ORDER

- a. Is the convening order dated on or before the date of referral (block 14c of the charge sheet)?      YES    NO    \_\_\_\_\_
  
- b. Does the date of the convening order match the date shown in the body of the referral section of the charge sheet?      YES    NO    \_\_\_\_\_
  
- c. Is the convening order numbered?      YES    NO    \_\_\_\_\_
  
- d. Does the convening order number match the number shown in the body of the referral section of the charge sheet?      YES    NO    \_\_\_\_\_
  
- e. Does the convening order detail at least the minimum number of persons required for a quorum?      YES    NO    \_\_\_\_\_
  
- f. Is the rank, name, designator, and branch of service correctly reflected for each member?      YES    NO    \_\_\_\_\_
  
- g. Are the members listed in order of seniority?      YES    NO    \_\_\_\_\_
  
- h. Is the convening order properly signed by the convening authority?      YES    NO    \_\_\_\_\_
  
- i. Is the convening order an original or a certified copy?      \_\_\_\_\_
  
- j. Are there any amending orders to the convening order?      YES    NO    \_\_\_\_\_  
(If there are amending orders, answer a through j above with regards to the amending order(s).
  
- k. Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. CHARGE SHEET

a. Is the following information correctly reflected on the charge sheet? (Compare charge sheet with accused's enlistment contract):

Name	YES	NO	_____
Social Security Number	YES	NO	_____
Branch of Service	YES	NO	_____
Date of Enlistment	YES	NO	_____
Term of Enlistment	YES	NO	_____

b. Is the following information correctly reflected on the charge sheet? (Compare charge sheet with page 4):

Grade or Rank (Rate)	YES	NO	_____
Paygrade	YES	NO	_____

c. Is the accused's organization or unit correctly reflected on the charge sheet? (Compare charge sheet with page 5):

YES	NO	_____
-----	----	-------

d. Is the accused's pay per month correctly reflected on the charge sheet?

YES	NO	_____
-----	----	-------

e. Has there been any pretrial restraint in this case? (Look for confinement orders, restriction orders, NACU papers, page 13, etc)

YES	NO	_____
-----	----	-------

Speedy Trial Issue: (Fill in appropriate section below)

What type of pretrial restraint? \_\_\_\_\_

Date pretrial restraint commenced? \_\_\_\_\_

Date pretrial restraint terminated (if any) \_\_\_\_\_

Place of pretrial confinement \_\_\_\_\_

If there is pretrial restraint, is it correctly reflected on the charge sheet? YES NO \_\_\_\_\_

Which comes earlier, pretrial restraint or preferral of charges?

Date of pretrial restraint \_\_\_\_\_

Date of preferral of charges \_\_\_\_\_

Date 120 days from earliest of above: \_\_\_\_\_

- f. Is there more than one Charge in this case? YES NO \_\_\_\_\_
- g. If more than one, are the Charges listed in proper UCMJ, Article number order? YES NO \_\_\_\_\_
- h. If more than one, are the Charges properly numbered using Roman Numerals? YES NO \_\_\_\_\_
- i. Is there more than one Specification under any Charge in this case? YES NO \_\_\_\_\_
- j. If more than one under any Charge, are the Specifications in proper chronological order? (Check dates of offenses) YES NO \_\_\_\_\_
- k. If more than one under any Charge, are the Specifications properly numbered using Arabic Numerals? YES NO \_\_\_\_\_
- l. Are there any misspellings in any Specification? YES NO \_\_\_\_\_
- m. Are there any improper abbreviations in any Specification? YES NO \_\_\_\_\_
- n. Have any required words been left out or improperly omitted from any Specification? (Compare charge sheet with MCM sample Specifications) YES NO \_\_\_\_\_
- o. Are all elements of the offense properly contained within each Specification on the charge sheet? (Compare elements of offenses in MCM with Specifications) YES NO \_\_\_\_\_

- p. Is the accused properly identified in each Specification with rate, name, branch of service, unit or organization and active duty status? (Check each Specification) YES NO \_\_\_\_\_
- q. Will the TC be required to prove any special "knowledge" requirements? (Check for orders violations or any offense which requires knowledge on the part of the accused) YES NO \_\_\_\_\_
- r. Did the accuser sign the charge sheet? YES NO \_\_\_\_\_
- s. Is the accuser and the officer who administered the oath the same person? YES NO \_\_\_\_\_
- t. Is the officer who administered the oath, in fact, authorized to do so? YES NO \_\_\_\_\_
- u. Did the officer who administered the oath sign the charge sheet? YES NO \_\_\_\_\_
- v. Does the date the accuser signed the charge sheet in block 11e match the date contained in the affidavit section of the charge sheet? YES NO \_\_\_\_\_
- w. Does any Specification alleged have a date of offense which is after the date the accuser signed block 11e of the charge sheet? YES NO \_\_\_\_\_
- x. Was the accused informed of the charges against him? (Check block 12 of the charge sheet) YES NO \_\_\_\_\_
- y. Is the date the accused was informed of the charges against him on or after the date of preferral? (Compare blocks 11e and 12 of charge sheet) YES NO \_\_\_\_\_
- z. Did an officer exercising summary court-martial jurisdiction over the accused sign the receipt of sworn charges section of the charge sheet? (Check block 13 of charge sheet) YES NO \_\_\_\_\_
- aa. Is there a time noted in block 13? YES NO \_\_\_\_\_

- bb. Is the date in block 13 of the charge sheet on or after the date of preferral? (Compare blocks 11e and 13 of charge sheet) YES NO \_\_\_\_\_
- cc. Is the officer exercising summary court-martial jurisdiction over the accused the same person as the convening authority? (Compare blocks 13 and 14 of charge sheet) YES NO \_\_\_\_\_
- dd. Did the convening authority sign the referral section of the charge sheet? (Check block 14 of the charge sheet) YES NO \_\_\_\_\_
- ee. Is the date of referral on or after the date on the convening order? (Compare block 14c with date of convening order) YES NO \_\_\_\_\_
- ff. Is the convening order properly reflected in the referral section of the charge sheet, including the type of court, convening order number, and date of convening order? (Compare referral section of charge sheet with convening order) YES NO \_\_\_\_\_
- gg. Is the date of referral on or after the date of preferral? (Compare blocks 11e and 14c of the charge sheet) YES NO \_\_\_\_\_
- hh. Is the date of referral on or after the date of receipt of sworn charges by the officer exercising summary court-martial jurisdiction over the accused? (Compare blocks 13 and 14c of the charge sheet) YES NO \_\_\_\_\_
- ii. Has a copy of the charge sheet been served on the accused? (Check block 15 of charge sheet) YES NO \_\_\_\_\_
- jj. Is there an additional charge sheet in this case? (If so, screen it following the previous checklist. YES NO \_\_\_\_\_

3. SERVICE RECORD OF ACCUSED

- a. What is the accused's EAOS? (Check enlistment contract, reenlistment contracts, extension contracts, Page 6's and Page 7's and verify accuracy by recomputing EAOS yourself) \_\_\_\_\_
- b. Are there any reductions in rate as a result of NJP or courts-martial, not properly reflected on Page 4? YES NO \_\_\_\_\_
- c. Is there a set of STO's transferring the accused to his unit or organization filed on the left side? YES NO \_\_\_\_\_
- d. Is there a Page 6 for each and every period of UA in excess of 24 hours? YES NO \_\_\_\_\_
- e. On each Page 6 do the commencement dates and times in blocks 3 and 4 match those in block 49? YES NO \_\_\_\_\_
- f. On each Page 6 do the termination dates and times in blocks 20 and 21 match those in block 49? YES NO \_\_\_\_\_
- g. Do the commencement and termination dates on each Page 6 match up with the commencement and termination dates alleged in each Specification? (For each Specification of UA or desertion fill in the blocks below. If more than one Specification, use reverse side to complete)

Charge \_\_\_\_\_ Specification \_\_\_\_\_

Commencement Date:

Page 6: \_\_\_\_\_

Specification: \_\_\_\_\_

Termination Date:

Page 6: \_\_\_\_\_

Specification: \_\_\_\_\_



Remarks about Page 6 and corresponding Specification:

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Charge \_\_\_\_\_ Specification \_\_\_\_\_

Commencement Date:

Page 6: \_\_\_\_\_

Specification: \_\_\_\_\_

Termination Date:

Page 6: \_\_\_\_\_

Specification: \_\_\_\_\_

Remarks about Page 6 and corresponding Specification:

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Charge \_\_\_\_\_ Specification \_\_\_\_\_

Commencement Date:

Page 6: \_\_\_\_\_

Specification: \_\_\_\_\_

Termination Date:

Page 6: \_\_\_\_\_

Specification: \_\_\_\_\_

Remarks about Page 6 and corresponding Specification:

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- h. Does each Specification of UA or desertion properly allege the absence to be from the same unit as that reflected on the corresponding Page 6? (Compare Page 6 block 19 to the Specification)

YES NO \_\_\_\_\_

- i. Are blocks 38 through 42 properly completed on each Page 6? (Do not trust the computations. Redo them yourself to verify accuracy) YES NO \_\_\_\_\_
- j. Have all Page 6's been completed and forwarded to BUPERS? YES NO \_\_\_\_\_
- k. Have all Page 6's been signed by a person who has "By direction" authority? (Check both block 49 and 50) YES NO \_\_\_\_\_
- l. Is there a Page 7 for each NJP in which the punishment effected pay? YES NO \_\_\_\_\_
- m. Is there a Page 7 for each SCM, SPCM, or GCM, in which the sentence, as approved by the convening authority, either effected pay and/or included confinement? YES NO \_\_\_\_\_
- n. Does each Page 7 contain the dates of all offenses and a precise description of all offenses violated? (Especially Art 92's and 134's) YES NO \_\_\_\_\_
- o. Was the accused entitled to Booker rights at any prior disciplinary proceeding? YES NO \_\_\_\_\_
- p. If Booker rights were required, are they found in the record? (Check all Page 13's and left side of record) YES NO \_\_\_\_\_
- q. Is there a Page 7 reflecting the OEGCMJ action on any prior courts-martial, if appropriate? YES NO \_\_\_\_\_
- r. Is there a Page 7 reflecting the NCMCMR action on any prior courts-martial, if appropriate? YES NO \_\_\_\_\_
- s. Is there a Page 7 reflecting the release date from confinement and adjustment to EAOS for any prior courts-martial, if appropriate? YES NO \_\_\_\_\_
- t. Have all Page 7's been signed by a person who has "By direction" authority? YES NO \_\_\_\_\_

- u. Does the Page 9 properly reflect all evaluation marks? (Compare all evals on left side with Page 9) YES NO \_\_\_\_\_
- v. Does the Page 9 properly reflect the current rate of the accused? YES NO \_\_\_\_\_
- w. Does the Page 9 properly reflect all previous NJP's or courts-martial? YES NO \_\_\_\_\_
- x. Is there a Page 13 for each NJP in which the punishment did not effect pay? YES NO \_\_\_\_\_
- y. Is there a Page 13 for each court-martial in which the sentence, as approved by the convening authority, did not effect pay and/or confinement? YES NO \_\_\_\_\_
- z. Is there a Page 13 reflecting the OEGCMJ action on any prior courts-martial, if appropriate? YES NO \_\_\_\_\_
- aa. Is there a Page 13 entry reflecting the termination time and date of any period of UA 24 hours or less? YES NO \_\_\_\_\_
- bb. Is there a Page 13 entry reflecting any civil convictions which have been finally approved? YES NO \_\_\_\_\_
- cc. Is there a Page 13 Warning in the accused's record? YES NO \_\_\_\_\_
- dd. IAW Article 1122, NAVREGS, did the accused sign a Page 13 entry with regard to any adverse information entered into his record? YES NO \_\_\_\_\_
- ee. Are all evaluations for the current enlistment filed on the left side? YES NO \_\_\_\_\_
- ff. Has each evaluation been signed by the accused? YES NO \_\_\_\_\_
- hh. Does each evaluation reflect the accused's election with regard to making a statement or not? YES NO \_\_\_\_\_

ii. Is there a duplicate original of the convening authority's action on all prior courts-martial filed on the left side? YES NO \_\_\_\_\_

jj. Is there any message traffic or other documentation pertaining to the offense(s) filed on the left side of the service record? (If so, list in space below) YES NO \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

kk. Do any documents listed above conflict with "official" entries in the service record? (If so, point out conflicts in space below) YES NO \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ll. Are there any Technical Arrest Orders filed on the left side of the record? YES NO \_\_\_\_\_

mm. Does the charge sheet reflect a Specification alleging a violation of Technical Arrest Orders? YES NO \_\_\_\_\_

4. EXTERNAL DOCUMENTS

a. Are there any documents relating to the offense(s) which are not a part of the service record? (Look for NIS reports or other investigative reports, NACU reports on returned UA's, statements of witnesses, lab reports, etc) YES NO \_\_\_\_\_

b. Where can these documents be found? (Fill in below)

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- c. Read these documents and note any discrepancies between them and the service record entries, or between them and the charge sheet below.

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. MISCELLANEOUS

- a. Is all evidence necessary to sustain a conviction for each Specification available for trial? (If not, set out details below) YES NO \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b. Have all witnesses been properly identified? YES NO \_\_\_\_\_

- c. If a drug case, has a request for urine sample, charts, graphs, lab reports, etc. been prepared? YES NO \_\_\_\_\_

- d. If a drug case, are the amounts of drugs alleged in grams? YES NO \_\_\_\_\_

- e. Does unit expect extended deployment within the next 120 days? YES NO \_\_\_\_\_

- f. If unit is deploying, will the accused and all witnesses who are necessary to sustain a conviction be left behind? YES NO \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- g. Is there any reason why this case cannot or should not be docketed for trial ASAP? YES NO \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION 23

ADMINISTRATIVE SEPARATIONS

This section of the Legalman/Legal Clerk Student Study Guide contains samples and information concerning administrative separations.

NOTICE OF A NOTIFICATION PROCEDURE PROPOSED ACTION  
Sample Format - MILPERSMAN 3640200.5

(Date)

From: Commanding Officer, \_\_\_\_\_ UIC: \_\_\_\_\_  
To: (rate, name, USN(R-R, TAR), SSN)

Subj: NOTICE OF A NOTIFICATION PROCEDURE PROPOSED ACTION

Ref: (a) MILPERSMAN Chapter 36

1. Per reference (a), you are being considered for an administrative discharge from the naval service by reason of (list all reasons as indicated in MILPERSMAN 3620220 thru 3630900 for which SNM is eligible for processing, provided **NO REASON LISTED COULD RESULT IN AN OTHER THAN HONORABLE DISCHARGE**) as evidenced by (specifics of basis for separation: e.g., misconduct due to minor disciplinary infractions as evidenced by all punishments under the UCMJ in your current enlistment, and alcohol abuse rehabilitation failure as evidenced by your failure to successfully complete Level III inpatient treatment).

2. If the separation is approved it will result in: (check one or more of the following:

- ( ) discharge or suspended discharge
- ( ) release from active duty to a reserve component
- ( ) transfer from Selected Reserve to the Individual Ready Reserve (IRR)
- ( ) transfer to the Fleet Reserve/Retired List (if requested)
- ( ) release from custody or control of the U.S. Navy
- ( ) other form of separation (specify)

3. If separation is approved, the description of service will be Entry Level Separation (where applicable) or the least favorable characterization of service authorized in your case is General.

4. You are entitled to the following rights:

a. To consult with counsel qualified under Article 27(b) of the UCMJ. You may consult with civilian counsel retained at your own expense. (Nonlawyer counsel may be appointed if you are deployed aboard a vessel or in similar circumstances of separation from judge advocate resources as determined by commanding officer).

b. To present verbal or written statements in your own behalf.

c. To obtain copies of documents that will be forwarded to the Chief of Naval Personnel, supporting the basis for the recommended separation. (Classified documents will be summarized in unclassified form.)

d. If applicable - to request transfer to the Fleet Reserve/Retired List understanding that a reduction to the next inferior pay grade prior to transfer may be directed if you are being processed for misconduct or security.

e. To request an Administrative Board if you have 6 or more years of total active and/or reserve military service.

f. To representation at the Administrative Board by qualified counsel if you have 6 or more years of total active and or reserve military service.

g. To representation at the Administrative Board by civilian counsel at your own expense if you have 6 or more years of total active and/or reserve military service.

h. To a minimum of 2 working days to respond to this Notice. (Change 2 working days to 30 days if member is in civil confinement or a reservist not on active duty.) Failure to respond within (specify number) days will result in a waiver of all rights.

i. To waive any or all of the above rights after being afforded a reasonable opportunity to consult with counsel.

5. You are advised that, should you begin a period of unauthorized absence following delivery of this notice, the separation processing in your case may proceed in your absence, or it may be held in abeyance until you return to military control and appropriate disciplinary action is taken on the absence. You are further advised that your unauthorized absence will be considered a waiver of your right to appear personally before the Administrative Board if the separation processing is not held in abeyance. Your unauthorized absence could also result in termination of administrative separation processing and you may be declared a deserter.

6. You are advised that nonjudicial punishments, court-martial convictions and/or civil convictions occurring before and after this Notice may be considered by the Separation Authority and Administrative Board (if convened) in determining retention or separation where appropriate and the characterization of any discharge to be recommended.



7. For members in civil confinement:

a. You are hereby advised that separation proceedings in your case will be suspended for a period of 30 days from the date this notice is delivered to your confinement address in order to give you a reasonable opportunity to exercise the rights set forth herein. If you are eligible and have elected an Administrative Board, and you are unable to make arrangements which would allow you to appear in person before the Board, the proceedings will continue in your absence; in this event, however, you may be represented before the Board by your counsel.

b. (Insert name, address and telephone number of counsel) has been appointed as your military counsel for consultation and/or representation for this action.

8. For members who are reservists not on active duty. You are hereby advised that the separation proceedings in your case may continue in your absence if you so request or if you fail to respond to this notice within 30 days from the date this notice is delivered to you personally or received at your designated mailing address.

9. For respondents who are reservists not on active duty whose separation may involve transfer to the IRR. You are advised that the characterization of service upon transfer to the IRR also will constitute the tentative characterization of service upon discharge at the completion of the naval service obligation, unless the following conditions are met:

a. You take affirmative action to affiliate with a drilling unit of the Selected Reserve; and

b. You participate satisfactorily as a drilling member of the Selected Reserve for a period of time which, when added to any prior satisfactory service during this period of obligated service, equals the period of obligated service.

10. This letter of notification supersedes any previously issued letter of notification.

\_\_\_\_\_  
signature of commanding officer or  
person with by direction authority

I acknowledge receipt of the above letter of notification.

\_\_\_\_\_  
respondent's signature/date

STATEMENT OF AWARENESS - NOTIFICATION PROCEDURE  
Sample Format - MILPERSMAN 3640200.6

From: rate, name, USN(R-R, TAR), SSN  
To: Commanding Officer, \_\_\_\_\_ UIC: \_\_\_\_\_

Subj: STATEMENT OF AWARENESS AND REQUEST FOR, OR WAIVER OF,  
PRIVILEGES

Ref: (a) \_\_\_\_\_ ltr of \_\_\_\_\_  
(b) MILPERSMAN Chapter 36

1. I understand that per references (a) and (b), I am being considered for an administrative separation from the naval service which could result in (fill in as stated in paragraph 3 of the Notice of Notification Procedure Proposed Action - Entry Level Separation or General) by reason of (restate the reason(s) for processing as they are given in paragraph 1 of Letter of Notification)

2. I have been advised that if the proposed separation is approved it will result in my discharge for one of the reason(s) stated in paragraph 1 above.

3. I have been afforded an opportunity to consult with counsel and I: (initial as appropriate)

( ) did consult with counsel

( ) did not desire to consult with counsel

4. I have been afforded the following rights: (initial as appropriate)

Elect    Waive

( )    ( ) To submit statements in my own behalf either verbally or in writing.

( )    ( ) To obtain copies of documents that will be forwarded to the Chief of Naval Personnel, supporting the basis for the proposed separation. (Classified documents will be summarized in unclassified form.)

( )    ( ) If applicable - to request transfer to the Fleet Reserve/Retired List understanding that a reduction to the next inferior pay grade prior to transfer may be directed if I am being processed for misconduct, or security.

( )    ( ) To request an Administrative Board if I have 6 or more years of total active and/or reserve military service.

( ) ( ) To representation at the Administrative Board by qualified counsel if I have 6 or more years of total active and/or reserve military service.

( ) ( ) To representation at the Administrative Board by civilian counsel at my own expense if I have 6 or more years of total active and/or reserve military service.

( ) ( ) To a minimum of 2 working days to respond to the Notice of Notification Procedure Proposed Action. (Must be 30 days if member is in confinement or a reservist not on active duty). Election of this right requires that I date and sign this document (2 working days/(30 days) later than the receipt date of the letter of notification. If my signature is dated earlier than the above stated time, this right is considered to be waived.

5. ( ) I object to this separation.

( ) I do not object to this separation.

\_\_\_\_\_  
respondent's signature/date

Witnessed:

\_\_\_\_\_  
signature of counsel (if applicable)

NOTICE OF AN ADMINISTRATIVE BOARD PROCEDURE PROPOSED ACTION  
Sample Format - MILPERSMAN 3640200.7

From: Commanding Officer, \_\_\_\_\_ UIC: \_\_\_\_\_  
To: (rate, name, USN(R-R,TAR, SSN)

Subj: NOTICE OF AN ADMINISTRATIVE BOARD PROCEDURE PROPOSED  
ACTION

Ref: (a) MILPERSMAN Chapter 36

1. Per reference (a), you are being considered for an administrative discharge from the naval service by reason of (list all reasons as indicated in MILPERSMAN Chapter 36 for which SNM is eligible for processing e.g., Misconduct, Defective Enlistment and Induction due to Fraudulent Entry into Naval Service, etc. (as appropriate)) as evidenced by (specifics of basis for separation: e.g., misconduct due to a pattern of misconduct as evidenced by all punishments under the UCMJ in your current enlistment, misconduct due to drug abuse as evidenced by all drug incidents in your current enlistment, and defective enlistment and induction due to fraudulent entry into naval service by failing to reveal your civilian involvement).

2 If separation is approved it will result in: (check one or more of the following):

- discharge or suspended discharge
- release from active duty to a reserve component
- transfer from Selected Reserve to the Individual Ready Reserve (IRR)
- transfer to the Fleet Reserve/Retired List (if eligible)
- release from custody or control of the U.S. Navy
- other form of separation (specify)

3. If separation is approved, the characterization of your service may be **Other Than Honorable**. If serving in pay grade E-4 or above, you are notified that if you receive an Other Than Honorable discharge, you shall be administratively reduced to pay grade E-3.

4. You are entitled to the following rights:

a. To consult with counsel qualified under Article 27(b) of the UCMJ. You may consult with civilian counsel retained at your own expense. (Nonlawyer counsel may be appointed if you are

deployed aboard a vessel or in similar circumstances of separation from sufficient judge advocate resources as determined by commanding officer.)

b. To present verbal or written statements in your own behalf.

c. To obtain copies of documents that will be forwarded to the Chief of Naval Personnel, supporting the basis of the recommended separation. (Classified documents will be summarized in unclassified form.)

d. If applicable - to request transfer to the Fleet Reserve/Retired List understanding that a reduction to the next inferior pay grade prior to transfer may be directed if you are being processed for misconduct, security, or homosexuality.

e. To request an Administrative Board.

f. To representation at the Administrative Board by qualified counsel.

g. To representation at the Administrative Board by civilian counsel at your own expense.

h. To a minimum of 2 working days to respond to this Notice. (Change 2 working days to 30 days if member is in civil confinement or a reservist not on active duty.) Failure to respond within (specify number) days will result in a waiver of all rights.

i. To waive any or all of the above rights after being afforded a reasonable opportunity to consult with counsel.

5. You are advised that, should you begin a period of unauthorized absence following delivery of this notice, the separation processing in your case will proceed in your absence or it may be held in abeyance until you return to military control and appropriate disciplinary action is taken on the absence. You are further advised that your unauthorized absence will be considered a waiver of your right to appear personally before the Administrative Board if the separation processing is not held in abeyance. Your unauthorized absence could also result in termination of administrative separation processing and you may be declared a deserter.

6. You are advised that nonjudicial punishments, court-martial convictions and/or civil convictions occurring before and after this Notice may be considered by the separation authority and Administrative Board (if convened) in determining retention or separation where appropriate and the characterization of any discharge to be recommended.

7. For members in civil confinement:

a. You are hereby advised that separation proceedings in your case will be suspended for a period of 30 days from the date this notice is delivered to your confinement address in order to give you a reasonable opportunity to exercise the rights set forth herein. If you elected an Administrative Board, and you are unable to make arrangements which would allow you to appear in person before the board, the proceedings will continue in your absence; in this event, however, you may be represented before the board by your counsel.

b. (Insert name, address, and telephone number of counsel) has been appointed as your military counsel for consultation and/or representation for this action.

8. For members who are reservists not on active duty. You are hereby advised that the separation proceedings in your case may continue in your absence if you so request or if you fail to respond to this notice within 30 days from the date this notice is delivered to you personally or received at your designated mailing address.

9. For respondents who are reservists not on active duty whose separation may involve transfer to the IRR. You are advised that the characterization of service upon transfer to the IRR also will constitute the tentative characterization of service upon discharge at the completion of the naval service obligation, unless the following conditions are met:

a. You take affirmative action to affiliate with a drilling unit of the Selected Reserve; and

b. You participate satisfactorily as a drilling member of the Selected Reserve for a period of time which, when added to any prior satisfactory service during this period of obligated service, equals the period of obligated service.

10. This letter of notification supersedes any previously issued letter of notification.

\_\_\_\_\_  
signature of commanding officer or  
person with by direction authority

I acknowledge receipt of the above letter of notification.

\_\_\_\_\_  
respondent's signature/date

STATEMENT OF AWARENESS - ADMINISTRATIVE BOARD PROCEDURE  
Sample Format - MILPERSMAN 3640200.8

From: (rate, name, USN(R,R, TAR, SSN)  
To: Commanding Officer, \_\_\_\_\_ UIC: \_\_\_\_\_

Subj: STATEMENT OF AWARENESS AND REQUEST FOR, OR WAIVER OF,  
PRIVILEGES

Ref: (a) \_\_\_\_\_ ltr of \_\_\_\_\_  
(b) MILPERSMAN Chapter 36

1. I understand that per references (a) and (b), I am being considered for an administrative discharge from the naval service which could result in an Other Than Honorable discharge by reason of (restate the reason(s) for processing as they are given in paragraph 1 of the letter of notification).

2. I understand that if such discharge is Under Other Than Honorable Conditions, it may deprive me of virtually all veterans' benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing. I have been informed that, if I am serving in pay grade E-4 or above and am administratively separated with an Other Than Honorable characterization of service, I shall be administratively reduced to pay grade E-3 upon separation. I further understand that if an Other Than Honorable discharge is not directed, the characterization of my discharge, if based on misconduct, or defective enlistment and induction due to fraudulent entry into naval service, may be General or, if not based on misconduct, or defective enlistment and induction due to fraudulent entry into naval service, the character will be based on my naval service or, if appropriate, an Entry Level Separation will be directed.

3. I have been afforded an opportunity to consult with counsel and I: (initial as appropriate)

( ) did consult with counsel

( ) did not desire to consult with counsel

4. I have been afforded the following rights: (initial as appropriate)

Elect      Waive

( ) ( ) To submit statements in my own behalf either verbally or in writing.

( ) ( ) To obtain copies of documents that will be forwarded to the Chief of Naval Personnel supporting the basis for the proposed separation. (Classified documents will be summarized in unclassified form.)

( ) ( ) If applicable - to request transfer to the Fleet Reserve/Retired List understanding that a reduction to the next inferior pay grade prior to transfer may be directed if I am being processed for misconduct, security, or homosexuality.

( ) ( ) To request an Administrative Board.

( ) ( ) To representation at the Administrative Board by qualified counsel.

( ) ( ) To representation at the Administrative Board by civilian counsel at my own expense.

( ) ( ) To a minimum of 2 working days to respond to the Notice of the Administrative Board Procedure Proposed Action. (Must be 30 days if member is in confinement or a reservist not on active duty). Election of this right requires that I date and sign this document (2 working days/30 days) later than the receipt date of the letter of notification. If my signature is dated earlier than the above stated time, this right is considered to be waived.

5. ( ) I object to this separation.

( ) I do not object to this separation.

6. Civilian conviction appeal information: (initial as appropriate - only if being processed for misconduct involving a civilian conviction)

( ) I do not intend to file an appeal.

( ) I have or intend to appeal my civil conviction; however, I **do** request separation before my appeal is decided or the time for appeal has passed.

( ) I have or intend to appeal my civil conviction and I **do not** request separation before my appeal is decided or the time for appeal has passed.

I have until \_\_\_\_\_ to file an appeal.

I filed an appeal on \_\_\_\_\_. (if applicable)

\_\_\_\_\_  
respondent's signature/date

Witnessed:

\_\_\_\_\_  
signature of counsel (if applicable)



LETTER OF TRANSMITTAL FORMAT - MILPERSMAN 3640200.9  
Notification and Administrative Board Procedures

(Date)

From: Commanding Officer, \_\_\_\_\_ UIC: \_\_\_\_\_  
To: Chief of Naval Personnel (PERS- )

Subj: (RATE, NAME, USN(R,R,TAR, SSN); RECOMMENDATION  
FOR ADMINISTRATIVE SEPARATION BY REASON OF (LIST THE  
REASON(S) FOR SEPARATION)

Ref: (a) MILPERSMAN Chapter 36

- Encl: (1) Notice of Notification Procedure Proposed  
Action or Notice of Administrative Board Proposed  
Action (as appropriate)  
(2) Signed Statement of Awareness and Request for or  
Waiver, of Privileges  
(3) Statement of member (if submitted)  
(4) Copy of Page 9 (NAVPERS 1070/609, Enlisted Performance  
Record)  
(5) Information concerning arrest, conviction, or  
disposition (include civil documents if available) if  
applicable  
(6) Other pertinent documentation (i.e., most recent  
counseling/warning entry (if any); drug laboratory  
message; NAVPERS 1070/607, Court Memorandum (Page 7);  
etc.) (if processing for Unsatisfactory Participation  
in the Naval Reserve, forward a copy of the drill  
muster record, NAVRES 1570/2, Satisfactory  
Participation Requirements/Record of Unexcused  
Absences, notices to report for physical examinations,  
and letters trying to locate the reservist).  
(7) Record of Proceedings of Administrative Board (if  
applicable)  
(8) Appointing Letter for nonlawyer counsel (if  
applicable)

**NOTE:** Enclosures (1) through (6) need not be submitted as  
separate enclosures if already a part of enclosure (7).

1. Per reference (a), the following information is submitted:

a. Reason for processing: (one or more reasons).

b. Basic record data: Date of current enlistment:  
(fill in) for (fill in) years; EAOS/EOS: (fill in); marital  
status:  
(fill in); dependents: (fill in); months on board: (fill in);  
total service: active - (fill in number of years and months),  
inactive - (fill in number of years and months and date  
commenced).

c. Involvement with civilian authorities: If none, so state. If civilian conviction, include information in subparagraphs below:

(1) Circumstances of offense(s): (include all facts and circumstances surrounding offense(s) in sufficient detail to indicate nature and seriousness of offense(s)).

(2) Action by civilian authorities: If none, so state. (include citation of civil statute(s) violated, charge(s) on which arraigned and plead guilty or tried and convicted, court in which convicted, sentence of court, maximum punishment which could have been imposed for such a conviction under UCMJ).

d. Summary of military offense(s): If none, so state. List in chronological order by subparagraph: Date of NJP/CM; Type: NJP or CM; Offense(s); Date of offense(s); (note: identify offense(s) to include all specifications with narrative reasons (e.g., date/length of UA, failure to get haircut, etc.)). In case of courts-martial indicate date of Convening Authority (CA) final action, approved findings and sentence.)

e. Finding of Administrative Board: If no board, so state.

f. Recommendation of Administrative Board: If no board, so state. (Note: If member is Fleet Reserve/Retired List eligible, and elected right transfer to Fleet Reserve/Retired List, and processed for misconduct, security or homosexuality, the board must make recommendations regarding reduction to the next inferior pay grade prior to transfer. If applicable, board must also make recommendation as to transfer to the Individual Ready Reserve (IRR).

g. Type of discharge recommended by Administrative Board; if no board, so state.

h. Psychiatric or medical evaluation as required: (briefly list pertinent findings, diagnosis, recommendation(s). If processed for personality disorder, advise if member considered a danger to self or others.) Medical officer/clinical psychologist signed evaluation on (date).

i. Most recent NAVPERS 1070/613, Administrative Remarks (Page 13), counseling and warning issued by parent or processing command, regardless of reason for processing. State how the counseling/warning entry was violated. (A Page 13 is required for processing for Misconduct due to a Pattern of Misconduct or Minor Disciplinary Infractions, Convenience of the Government due to Personality Disorder, Parenthood, Entry Level Performance and Conduct, or Unsatisfactory Performance. Do not interpret this paragraph to mean the command must have counseled member before processing for any other reason(s), nor to mean member must now be given a Page 13.) If none so state.

j. Comments and recommendations of commanding officer (or acting commanding officer): Although the commanding officer may recommend any characterization of discharge deemed appropriate, the characterization recommended by an Administrative Board may not be changed to the detriment of the respondent. (Note: if member is Fleet Reserve/Retired List eligible, and elected right to transfer to the Fleet Reserve/Retired List, and processed for misconduct, security, or homosexual conduct, the commanding officer must make recommendations regarding transfer and reduction to the next inferior pay grade prior to transfer. If applicable, the commanding officer must also make recommendation as to transfer to the Individual Ready Reserve (IRR)).

k. Date and characterization of discharge if commanding officer separates under MILPERSMAN 3610220:

l. POC for discussion of this case is: (fill-in Name, Rank, Billet). DSN/COMM phone number: (fill-in). State location of member if transferred TEMDU subsequent to completion of case processing.

m. Location of command: (deployed or (fill in)).

\_\_\_\_\_  
Signature of Commanding Officer  
or Acting Commanding Officer only

Copy to:  
PERSUPPDET \_\_\_\_\_ (where applicable)  
TEMADD/TEM DU Command (where applicable)

SWORN AFFIDAVIT OF SERVICE BY MAIL  
Sample Format - MILPERSMAN 3640200.10

State of \_\_\_\_\_

County of \_\_\_\_\_

(Name of individual who mailed orders), being duly sworn, deposes I am the (job title, [i.e., Personnel Officer, Legalman]) of (unit) and on the \_\_\_\_ day of \_\_\_\_\_ 19\_\_, I mailed the original notice, a true copy of which is attached hereto, by Certified Mail (return receipt requested) to (name, address of member on orders), that being the last known address given to (unit), as the one at which official mail would be received by or forwarded to the member by depositing same in an official depository of the U.S. Postal Service at (location of postal facility), in a securely wrapped and sealed U.S. Government official postal envelope with a PS 3811, Domestic Return Receipt attached and the envelope addressed to the member at the address provided. A PS 3800, Receipt for Certified Mail, attesting to such action is attached.

\_\_\_\_\_  
(Signature and Rank of Affiant)

Sworn and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
(Signature and Rank of Officer  
Administering Oath)

Counseling/Warning Sample Format - 3610260.5a  
Prepared on a Page 13

Date \_\_\_\_\_: ADMINISTRATIVE COUNSELING/WARNING

1. You are being retained in the naval service, however, the following deficiencies in your performance and/or conduct are identified:
2. The following are recommendations for corrective action:
3. Assistance is available through:
4. Any further deficiencies in your performance and/or conduct will terminate the reasonable period of time for rehabilitation that this counseling and warning entry infers and may result in disciplinary action and in processing for administrative separation. All deficiencies and/or misconduct during your current enlistment, both prior to and subsequent to the date of this action will be considered. Subsequent violations(s) of the UCMJ or conduct resulting in civilian conviction(s) could result in an administrative separation Under Other Than Honorable Conditions.
5. This counseling and warning entry is made to afford you an opportunity to undertake the recommended corrective action. Any failure to adhere to the guidelines cited above, which is reflected in your future performance and/or conduct, will make you eligible for administrative separation action.
6. This counseling and warning entry is based upon known deficiencies or misconduct. If any misconduct, unknown to the Navy, is discovered after the counseling and warning is executed, this letter of counseling and warning is considered null and void.

U. R. COUNSELED  
By direction

(date)

\_\_\_\_\_: I hereby acknowledge the above Page 13 entry and desire to (make a statement/not make a statement).

\_\_\_\_\_  
member's signature

Witnessed:

\_\_\_\_\_  
(person who actually counseled the member)

**NOTE:** If member refuses to sign Page 13, a notation to that effect shall be indicated on the Page 13 and signed by an officer.

PRIVACY ACT STATEMENT FOR RESPONDENT  
Sample Format - MILPERSMAN 3640350

Under the authority of 5 U.S.C 301 and 10 U.S.C. 5031 and 5132, DOD Directive 1332.14, SECNAVINST 1910.4 and the MILPERSMAN, information regarding your personal background may be requested in order to provide the administrative board in your case with additional information upon which to recommend your retention or separation and, if separation is recommended, the character of service. The information provided by you will become a permanent part of the record of proceedings of the Administrative Board and may be used by officials of the Department of the Navy in making recommendations or decisions in your case and by employees and officials of the Department of Defense, the Department of Veterans Affairs, and other Federal or state agencies in the performance of their official duties. Disclosure of this information is voluntary.

\_\_\_\_\_  
(Signature of Respondent)  
Rank, Name and SSN

\_\_\_\_\_  
(Date)

APPOINTING LETTER OF ADMINISTRATIVE BOARD  
Sample Format - MILPERSMAN 3640350.1b(1)(h)

(Date)

From: (Convening Authority)  
To: (Senior Member of Board -- rank, name, component, and designator)

Subj: APPOINTMENT OF AN ADMINISTRATIVE BOARD

Ref: (a) MILPERSMAN 3640200  
(b) MILPERSMAN 3640350

1. Per references (a) and (b), an Administrative Board consisting of yourself as senior member and of (names of other members -- including rank/rate, component, and designator if applicable) is appointed to conduct a hearing in the case of (rate, name, component and SSN of respondent) who is being processed for administrative separation by reason(s) of \_\_\_\_\_.

2. General procedural instructions and instructions for the conduct of the hearing and submission of the Board's report, are outlined in reference (b) and shall be followed. The Board is directed to make findings of fact relative to the specific reason(s) the respondent is being processed and to make a recommendation with respect to final action of retention, separation or suspension and to characterization of service or description of separation. The report of the Board shall be signed by all members and the counsel for the respondent. The dissent of any member shall be duly recorded in the Board's report.

3. (Rank, name and component), is appointed to act as recorder for the board.

4. (Rank, name and component), a lawyer certified per Article 27(b), Uniform Code of Military Justice, is appointed to act as counsel for the respondent.

5. The Board shall convene at (time, date, location), or as soon thereafter as practicable.

\_\_\_\_\_  
signature of convening authority,  
commanding officer  
or Acting, or By direction

Copy to:  
(Member)  
(Member)  
(Recorder)  
(Counsel for Respondent)  
(Respondent)

DEPARTMENT OF THE NAVY  
Naval Education and Training Center  
Newport, Rhode Island 02841

10 Jan CY

From: Commander, Naval Education and Training Center, Newport  
UIC: 68808

To: Chief of Naval Personnel (PERS-83)

Subj: SN JOHN Q. LEWIS, USN, 422-33-5555; RECOMMENDATION FOR SEPARATION BY REASON OF MISCONDUCT DUE TO A PATTERN OF MISCONDUCT AS EVIDENCED BY TWO NONJUDICIAL PUNISHMENTS AND ONE CIVIL CONVICTION (MISDEMEANOR) AND MISCONDUCT DUE TO DRUG ABUSE AS EVIDENCED BY NONJUDICIAL PUNISHMENT ON 19DECCY(-1) FOR WRONGFUL USE OF MARIJUANA ON 1DECCY(-1)

Ref: (a) MILPERSMAN Chapter 36

Encl: (1) Proceedings of Administrative Board

1. Per reference (a), the following information and enclosure (1) are submitted:

a. Reason for processing: Misconduct due to a pattern of misconduct as evidenced by two nonjudicial punishments and one civil conviction (misdemeanor), and misconduct due to drug abuse as evidenced by nonjudicial punishment on 19 December 19CY(-1) for wrongful use of marijuana on 1 December 19CY(-1).

b. Basic record data: Date of current enlistment: 27 May 19CY(-1) for 4 years; EAOS: 26 May 19CY(+3); marital status: Single; dependents: None; months on board: 18 months; total service: active - 1 year, 8 months, inactive - None.

c. Involvement with civil authorities:

(1) Circumstances of offense: Arrested on 30 July 19CY(-1) by the Rhode Island State Police in Newport, Rhode Island for drunk and disorderly, a misdemeanor. The offense occurred in a parking lot outside a nightclub in Newport. Member was involved in a shouting match with civilian personnel. Nightclub manager called the police.

(2) Action by civilian authorities: Convicted by the First District Court of Rhode Island on 31 July 19CY(-1) for a violation of Article 300, Section 29 of the Rhode Island State Penal Code (drunk and disorderly). Member plead guilty and was sentenced to pay a fine in the amount of \$400.00. The maximum punishment which could have been imposed for the same offense under the UCMJ is confinement for 6 months and forfeiture of two-thirds pay per month for 6 months.

d. Summary of military offenses:

(1) 16 Jul CY(-1): CO's NJP. Viol. UCMJ, Art. 86, unauthorized absence for a period of 23 hours on 10 Jul CY(-1). NJP awarded: 30 days extra duties.



Subj: SN JOHN Q. LEWIS, USN, 422-33-5555; RECOMMENDATION FOR SEPARATION BY REASON OF MISCONDUCT DUE TO A PATTERN OF MISCONDUCT AS EVIDENCED BY TWO NONJUDICIAL PUNISHMENTS AND ONE CIVIL CONVICTION (MISDEMEANOR) AND MISCONDUCT DUE TO DRUG ABUSE AS EVIDENCED BY NONJUDICIAL PUNISHMENT ON 19DECCY(-1) FOR WRONGFUL USE OF MARIJUANA ON 1DECCY(-1)

(2) 19 Dec CY(-1): CO's NJP. Viol. UCMJ, Art. 112a, wrongful use of marijuana on 1 Dec CY(-1). NJP awarded: 45 days restriction; forfeiture of \$300.00 pay per month for 2 months; and reduction in pay grade to E-3.

e. Finding of Administrative Board: That Seaman Lewis, the respondent, has committed misconduct due to a pattern of misconduct as evidenced by two nonjudicial punishments and one civil conviction (misdemeanor), and that he has committed misconduct due to drug abuse as evidenced by the nonjudicial punishment on 19 December 19CY(-1) for wrongful use of marijuana on 1 December 19CY(-1).

f. Recommendation of Administrative Board: That Seaman Lewis, the respondent, be separated.

g. Type of discharge recommended by Administrative Board: Other Than Honorable.

h. Psychiatric or medical evaluation as required: Member received an alcohol/drug abuse dependency evaluation on 21 December 19CY(-1) and was diagnosed as not being drug/alcohol dependent. Medical officer signed evaluation on 21 December 19CY(-1).

i. Page 13 counseling and warning issued by parent command on 16 July 19CY(-1). SN Lewis violated the page 13 counseling/warning by receiving nonjudicial punishment on 19 December 19CY(-1) for violation of the UCMJ, Article 112a, wrongful use of marijuana on 1 December 19CY(-1).

j. Comments and recommendations of commanding officer: Seaman Lewis was counseled concerning his deficiencies following his first nonjudicial punishment on 16 July CY(-1). Seaman Lewis continues to commit misconduct as indicated by the civil conviction and the latest nonjudicial punishment on 19 December 19CY(-1). I believe that Seaman Lewis is either incapable of adhering to the rules and regulations of the command and Navy, or he is simply unwilling to conduct himself in a manner conducive to good order and discipline. Seaman Lewis' conduct falls within the parameters of reference (a), and discharge is warranted. I recommend that Seaman Lewis be separated from the naval service with an Other Than Honorable discharge.

k. Date and characterization of discharge if commanding officer separated under MILPERSMAN 3610220: N/A

Subj: SN JOHN Q. LEWIS, USN, 422-33-5555; RECOMMENDATION FOR SEPARATION BY REASON OF MISCONDUCT DUE TO A PATTERN OF MISCONDUCT AS EVIDENCED BY TWO NONJUDICIAL PUNISHMENTS AND ONE CIVIL CONVICTION (MISDEMEANOR) AND MISCONDUCT DUE TO DRUG ABUSE AS EVIDENCED BY NONJUDICIAL PUNISHMENT ON 19DECCY(-1) FOR WRONGFUL USE OF MARIJUANA ON 1DECCY(-1)

1. POC for discussion of this case is, ENS David Davis, USN, Legal Officer. DSN: 948-1111.

m. Location of command: Naval Education and Training Center, Newport.



A. B. SEAWEED

Copy to: (w/o encl)  
PERSUPP DET NEWPORT RI

From: CDR Victor Vector, USN, 333-22-6666/1600  
To: Commander, Naval Education and Training Center, Newport  
Subj: RECORD OF PROCEEDINGS OF AN ADMINISTRATIVE BOARD IN  
THE CASE OF SN JOHN Q. LEWIS, USN, 422-33-5555

Ref: (a) MILPERSMAN 3640350

Encl: (1) Notification of Administrative Board Procedure  
Proposed Action of 22 Dec CY(-1)  
(2) Statement of Awareness and Request for, or Waiver of,  
Privileges of 24 Dec CY(-1)  
(3) Appointing Order of 26 Dec CY(-1)  
(4) Government Exhibits 4 through 10  
(5) Respondent's Exhibits A and B  
(6) Report of Administrative Board

1. Per reference (a), the following record of proceedings of an Administrative Board in the case of SN John Q. Lewis, USN is submitted:

2. The board was called to order at 0800 hours, 4 January 19CY, at Naval Education and Training Center, Newport, Rhode Island.

3. The board was convened by order of Commander, Naval Education and Training Center, Newport, Rhode Island, dated 26 December 19CY(-1), a copy of which had been furnished to each member of the board, the recorder, the respondent and counsel for the respondent.

4. The following persons were present:

Members: Commander Victor Vector, U.S. Navy, senior member;  
Lieutenant Commander John Johns, U.S. Navy,  
Lieutenant Roger Rigor, U.S. Navy,  
Recorder: Ensign David Davis, U.S. Navy,  
Counsel for the  
Respondent: Lieutenant Junior Grade Irep Them, JAGC, U.S. Naval Reserve,  
Respondent: Seaman John Q. Lewis, U.S. Navy, Respondent.

5. Counsel for the respondent, stated that he was a lawyer within the meaning of Article 27(b), UCMJ.

6. The recorder stated he was not a lawyer within the meaning of Article 27(b), UCMJ.

7. The senior member advised the respondent of his rights and the procedural rules in connection with the hearing and the respondent stated that he had no questions.

8. The recorder and counsel for the respondent questioned the members of the board regarding their ability to act in this case.

9. Neither the recorder or the counsel for the respondent had any challenges for cause against any member of the board.

10. The recorder and counsel for the respondent both made opening statements.

11. The recorder offered the following exhibits for consideration by the board:

Exhibit 1: Copy of Appointing Order of 26 Dec CY(-1)

Exhibit 2: Copy of Letter of Notification of 22 Dec CY(-1)

Exhibit 3: Copy of Statement of Awareness of 26 December 19CY(-1)

Exhibit 4: Privacy Act Statement of 4 January 19CY

Exhibit 5: Page 9 ICO respondent

Exhibit 6: Page 13 of 16JULCY(-1) (NJP on 16JulCY(-1))

Exhibit 7: Page 13 of 16JULCY(-1) (Counseling/Warning)

Exhibit 8: Page 13 of 01AUGCY(-1) (Civil Conviction)

Exhibit 9: Page 7 submitted 19DECCY(-1) (NJP on 19DecCY(-1))

Exhibit 10: Medical Officer's Evaluation

12. Counsel for the respondent had no objections to the exhibits presented by the recorder.

13. The senior member stated that Government Exhibits 1 through 10 were accepted and would be made a part of the record.

14. CDR Screw Loose, MC, USN, Naval Hospital, Newport, was called as a witness for the government, was sworn and testified substantially as follows:

SUMMARIZED TESTIMONY OF CDR SCREW LOOSE

15. BM1 Deck A. Pe, USN, Naval Education and Training Center, Newport, was called as a witness for the government, was sworn and testified substantially as follows:

SUMMARIZED TESTIMONY OF BM1 PE

16. LTJG I. B. Boss, USN, Naval Education and Training Center, Newport, was called as a witness for the government, was sworn and testified substantially as follows:

SUMMARIZED TESTIMONY OF LTJG BOSS

17. The recorder stated that he had nothing further to present.

18. Counsel for the respondent submitted the following exhibits for consideration by the board:

Exhibit A: Performance Evaluation

Exhibit B: Letter of Appreciation

19. The recorder stated that he had no objections to the exhibits presented by counsel for the respondent.

20. The senior member stated that Respondent Exhibits A and B were accepted and would be made a part of the record.

21. Counsel for the respondent next indicated that the respondent desired to make an unsworn statement. The respondent made an unsworn statement as follows:

UNSWORN STATEMENT OF RESPONDENT

22. Counsel for the Respondent stated that he had nothing further to present.

23. Neither the recorder or the counsel for the respondent presented any rebuttal or surrebuttal.

24. The recorder made opening argument. Counsel for the respondent made closing argument. The recorder made argument.

25. The board closed for deliberations at 1100 hours, 4 January 19CY.

26. The board opened at 1200 hours, 4 January 19CY. The senior member announced the following:

Based on the preponderance of the evidence for each allegation, the board finds that by a vote of 3 to 0, Seaman Lewis, the Respondent, has committed misconduct due to a pattern of misconduct as evidenced by two nonjudicial punishments and one civil conviction, a misdemeanor.

Based on the preponderance of the evidence for each allegation, the board finds that by a vote of 3 to 0, Seaman Lewis, the Respondent, has committed misconduct due to drug abuse as evidenced by the nonjudicial punishment on 19 December 19CY(-1) for wrongful use of marijuana on 1 December 19CY(-1).

By a vote of 3 to 0, the board recommends that the respondent be separated from the naval service by reason of misconduct due to pattern of misconduct and misconduct due to drug abuse, and that the discharge be an Other Than Honorable discharge.

27. The board adjourned at 1220 hours, 4 January 19CY.

AUTHENTICATED THIS 6th DAY OF January 19CY.

Victor Vector  
VICTOR VECTOR  
CDR, USN  
Senior Member

REVIEWED BY COUNSEL FOR THE RESPONDENT THIS 7<sup>th</sup> DAY OF January 19CY.

I have examined the summary of testimony of all witnesses heard and all supporting documents included in the record of proceedings and I:

JS agree with the summarization and/or documents.

\_\_\_\_\_ do not agree with the summarization and/or documents included, and I have included a statement of deficiencies for the record.

Wesley Them  
IREP THEM  
LTJG, JAGC, USNR  
Counsel for the Respondent

REVIEWED BY COUNSEL FOR THE RESPONDENT

\_\_\_\_\_, Counsel for the Respondent, was mailed a copy of the record of proceedings, summarized testimony of all witnesses, and exhibits on \_\_\_\_\_, in lieu of receiving and signing the transcript of the board. Counsel for the respondent was told that if any rebuttal was desired, it should be sent directly to Chief of Naval Personnel (PERS-83), Washington, DC 20370-5322, making \_\_\_\_\_ a copy to addressee.



DEPARTMENT OF THE NAVY  
Naval Education and Training Center  
Newport, Rhode Island 02841

22 Dec CY(-1)

From: Commander, Naval Education and Training Center, Newport  
UIC: 68808  
To: SN John Q. Lewis, USN, 422-33-5555  
Subj: NOTICE OF AN ADMINISTRATIVE BOARD PROCEDURE PROPOSED  
ACTION  
Ref: (a) MILPERSMAN Chapter 36

1. Per reference (a), you are being considered for an administrative separation from the naval service by reason of misconduct due to a pattern of misconduct as evidenced by two nonjudicial punishments and one civil conviction (misdemeanor) and misconduct due to drug abuse as evidenced by nonjudicial punishment on 19 December 19CY(-1) for wrongful use of marijuana on 1 December 19CY(-1).

2. If separation is approved it will result in: (check one or more of the following):

- discharge or suspended discharge
- release from active duty to a reserve component
- transfer from Selected Reserve to the Individual Ready Reserve (IRR)
- transfer to the Fleet Reserve/Retired List (if eligible)
- release from custody or control of the U.S. Navy
- other form of separation (specify)

3. If separation is approved, the characterization of your service may be Other Than Honorable. If serving in pay grade E-4 or above, you are notified that if you receive an Other Than Honorable discharge, you shall be administratively reduced to pay grade E-3.

4. You are entitled to the following rights:

a. To consult with counsel qualified under Article 27(b) of the UCMJ. You may consult with civilian counsel retained at your own expense. (Nonlawyer counsel may be appointed if you are deployed aboard a vessel or in similar circumstances of separation from sufficient judge advocate resources as determined by commanding officer.)

b. To present verbal or written statements in your own behalf.

ENC (1)  
GE 2

Subj: NOTICE OF AN AMINISTRATIVE BOARD PROCEDURE PROPOSED ACTION

c. To obtain copies of documents that will be forwarded to the Chief of Naval Personnel supporting the basis of the recommended separation. (Classified documents will be summarized in unclassified form.)

d. If applicable - to request transfer to the Fleet Reserve/Retired List understanding that a reduction to the next inferior pay grade prior to transfer may be directed if you are being processed for misconduct, security, or homosexuality.

e. To request an Administrative Board.

f. To representation at the Administrative Board by qualified counsel.

g. To representation at the Administrative Board by civilian counsel at your own expense.

h. To a minimum of 2 working days to respond to this Notice. Failure to respond within 2 days will result in a waiver of all rights.

i. To waive any or all of the above rights after being afforded a reasonable opportunity to consult with counsel.

5. You are advised that, should you begin a period of unauthorized absence following delivery of this Notice, the separation processing in your case will proceed in your absence or it may be held in abeyance until you return to military control and appropriate disciplinary action is taken on the absence. You are further advised that your unauthorized absence will be considered a waiver of your right to appear personally before the Administrative Board if the separation processing is not held in abeyance. Your unauthorized absence could also result in termination of administrative separation processing and you may be declared a deserter.

6. You are advised that nonjudicial punishments, court-martial convictions and/or civil convictions occurring before and after this Notice may be considered by the separation authority and administrative board (if convened) in determining retention or separation where appropriate and the characterization of any discharge to be recommended.

Subj: NOTICE OF AN ADMINISTRATIVE BOARD PROCEDURE PROPOSED  
ACTION

7. This letter of notification supersedes any previously issued  
letter of notification.

*A. B. Seaweed*  
A. B. SEAWEED

I acknowledge receipt of the above letter of notification.

*John Lewis 23DEC 64-1*  
respondent's signature/date

From: SN John Q. Lewis, USN, 422-33-5555  
To: Commander, Naval Education and Training Center, Newport  
UIC: 68808

Subj: STATEMENT OF AWARENESS AND REQUEST FOR, OR WAIVER OF,  
PRIVILEGES

Ref: (a) NETC Newport ltr of 22 Dec CY(-1)  
(b) MILPERSMAN Chapter 36

1. I understand that per references (a) and (b), I am being considered for an administrative discharge from the naval service which could result in an Other Than Honorable discharge by reason of misconduct due to a pattern of misconduct as evidenced by two nonjudicial punishments and one civil conviction (misdemeanor) and misconduct due to drug abuse as evidenced by nonjudicial punishment on 19 December 19CY(-1) for wrongful use of marijuana on 1 December 19CY(-1).

2. I understand that if such discharge is Under Other Than Honorable Conditions, it may deprive me of virtually all veterans' benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing. I have been informed that, if I am serving in pay grade E-4 or above and am administratively separated with an Other Than Honorable characterization of service, I shall be administratively reduced to pay grade E-3 upon separation. I further understand that if an Other Than Honorable discharge is not directed, the characterization of my discharge, if based on misconduct, or defective enlistment and induction due to fraudulent entry into naval service, may be General or, if not based on misconduct, or defective enlistment and induction due to fraudulent entry into naval service, the character will be based on my naval service or, if appropriate, an Entry Level Separation will be directed.

3. I have been afforded an opportunity to consult with counsel and I: (Initial as appropriate)

*JQL* did consult with counsel.

) did not desire to consult with counsel.

4. I have been afforded the following rights: (initial as appropriate)

Elect      Waive

*JQL* ( ) To submit statements in my own behalf either verbally or in writing.

Subj: STATEMENT OF AWARENESS AND REQUEST FOR, OR WAIVER OF,  
PRIVILEGES

Elect Waive

( ) To obtain copies of documents that will be forwarded to the Chief of Naval Personnel supporting the basis for the proposed separation. (Classified documents will be summarized in unclassified form.)

( ) If applicable - to request transfer to the Fleet Reserve/Retired List understanding that a reduction to the next inferior pay grade prior to transfer may be directed if I am being processed for misconduct, security, or homosexuality.

( ) To request an Administrative Board.

( ) To representation at the Administrative Board by qualified counsel.

To representation at the Administrative Board by civilian counsel at my own expense.

( ) To a minimum of 2 working days to respond to the Notice of the Administrative Board Procedure Proposed Action. Election of this right requires that I date and sign this document 2 working days later than the receipt date of the letter of notification. If my signature is dated earlier than the above stated time, this right is considered to be waived.

5.  I object to this separation.

I do not object to this separation.

6. Civilian conviction appeal information: (initial as appropriate - only if being processed for misconduct involving a civilian conviction)

I do not intend to file an appeal.

I have or intend to appeal my civil conviction; however, I **do** request separation before my appeal is decided or the time for appeal has passed.

I have or intend to appeal my civil conviction and I **do not** request separation before my appeal is decided or the time for appeal has passed.

Subj: STATEMENT OF AWARENESS AND REQUEST FOR, OR WAIVER OF,  
PRIVILEGES

I have until \_\_\_\_\_ to file an appeal.

I filed an appeal on \_\_\_\_\_.

John C. Lewis 24DEC04-1  
respondent's signature/date

Witnessed: Drop Them  
signature of counsel (if applicable)

DEPARTMENT OF THE NAVY  
Naval Education and Training Center  
Newport, Rhode Island 02841


26 Dec CY(-1)

From: Commander, Naval Education and Training Center, Newport  
To: CDR Victor Vector, USN, 333-22-6666/1600

Subj: APPOINTMENT OF AN ADMINISTRATIVE BOARD

Ref: (a) MILPERSMAN 3640200  
(b) MILPERSMAN 3640350

1. Per references (a) and (b), an Administrative Board consisting of yourself as senior member and of Lieutenant Commander John Johns, U.S. Navy, and Lieutenant Roger Rigor, U.S. Navy, is appointed to conduct a hearing in the case of Seaman John Q. Lewis, U.S. Navy, 422-33-5555, who is being processed for administrative separation by reason of misconduct due to a pattern of misconduct and misconduct due to drug abuse.
2. General procedural instructions and instructions for the conduct of the hearing and submission of the Board's report, are outlined in reference (b) and shall be followed. The Board is directed to make findings of fact relative to the specific reason(s) the respondent is being processed and to make a recommendation with respect to final action of retention, separation or suspension and to characterization of service or description of separation. The report of the Board shall be signed by all members and the counsel for the respondent. The dissent of any member shall be duly recorded in the Board's report.
3. Ensign David Davis, U.S. Navy, is appointed to act as recorder for the Board.
4. Lieutenant Junior Grade Irep Them, JAGC, U.S. Naval Reserve, a lawyer certified in accordance with Article 27(b), Uniform Code of Military Justice, is appointed to act as counsel for the respondent.
5. The Board shall convene at 0800, 4 January 19CY, at Building K-61, Conference Room, Naval Education and Training Center, Newport, or as soon thereafter as practicable.

  
A. B. SEAWEED

Copy to:  
LCDR Johns, USN  
LT Rigor, USN  
ENS Davis, USN  
LTJG Them, JAGC, USNR  
SN Lewis, USN

ENC (3)  
CEL

PRIVACY ACT STATEMENT FOR RESPONDENT

Under the authority of 5 U.S.C 301 and U.S.C. 5031 and 5132, DOD Directive 1332.14, SECNAVINST 1910.4 and the MILPERSMAN, information regarding your personal background may be requested in order to provide the administrative board in your case with additional information upon which to recommend your retention or separation and, if separation is recommended, the character of service. The information provided by you will become a permanent part of the record of proceedings of the administrative board and may be used by officials of the Department of the Navy in making recommendations or decisions in your case and by employees and officials of the Department of Defense, the Department of Veterans Affairs, and other Federal or state agencies in the performance of their official duties. Disclosure of this information is voluntary.

John Q. Lewis      4 Jan 84  
Signature                      Date  
JOHN Q. LEWIS  
SN                      USN  
422-33-5555

ENC (4)  
GE 4



SIMULATED COPY OF PAGE 9 (W/FINAL TRAIT AVERAGES)

PAGE 13 OF 16 JULY CY(-1)  
NJP ON 16 JULY CY(-1)

SHIP OR STATION  
NETC, NEWPORT, RI

Date: 16 July 19CY(-1) ADMINISTRATIVE COUNSELING/WARNING

1. You are being retained in the naval service, however, the following deficiencies in your performance and/or conduct are identified:

Unauthorized absence for 23 hours on 10 July resulting in nonjudicial punishment on 16 July 19CY(-1).

2. The following are recommendations for corrective action:

No further instances of unauthorized absence. Strict observance of the UCMJ, and Navy regulations and policies.

3. Assistance is available through:

Your chain of command, the command master chief, legal officer, and command chaplain. Extensions: 3808, 3809 and 3810.

4. Any further deficiencies in your performance and/or conduct will terminate the reasonable period of time for rehabilitation that this counseling and warning entry implies and may result in disciplinary action and in processing for administrative separation. All deficiencies or misconduct during your current enlistment, occurring before and after the date of this action will be considered. Subsequent violation(s) of the Uniform Code of Military Justice (UCMJ) or conduct resulting in civilian conviction(s) could result in an administrative separation Under Other Than Honorable Conditions.

5. This counseling and warning entry is made to afford you an opportunity to undertake the recommended corrective action. Any failure to adhere to the guidelines cited above, which is reflected in your future performance and/or conduct, will make you eligible for administrative separation action.

6. This counseling and warning entry is based upon known deficiencies or misconduct. If any misconduct, unknown to the Navy, is discovered after this counseling and warning is executed, this letter of counseling and warning is null and void.

*U. R. Counseled*  
U. R. COUNSELED  
By direction

*16 Jul (cy-1)*

I hereby acknowledge the above page 13 entry and desire to make a statement/not make a statement.

*John Q. Lewis*  
JOHN Q. LEWIS

Witnessed: *New U. Don't*

NAME (Last, First, Middle) LEWIS, John Quincy	SSN 422-33-5555	BRANCH AND CLASS USN
--	--------------------	-------------------------

*BE 7*

COPY OF RECORD OF CIVIL CONVICTION  
PAGE 13 OF 01AUGCY(-1)

PAGE 7 OF 19DECCY(-1)  
NJP ON 19DECCY(-1)

SIMULATED COPY OF MEDICAL OFFICER'S EVALUATION

EVALUATION ICO SN LEWIS

Encl (5)  
RE A

LETTER OF APPRECIATION ICO SN LEWIS

RE B



From: CDR Victor Vector, USN, 333-22-6666/1600  
To: Commander, Naval Education and Training Center, Newport  
Subj: REPORT OF AN ADMINISTRATIVE BOARD IN THE CASE OF SN JOHN Q. LEWIS, USN, 422-33-5555

Ref: (a) MILPERSMAN 3640350  
(b) NETC Newport ltr of 26 Dec CY(-1)

1. Per reference (a), an administrative board was held at Naval Education and Training Center, Newport, Rhode Island, on 4 January 19CY, in the case of Seaman John Q. Lewis, U.S. Navy, 422-33-5555, pursuant to reference (b).

2. Findings of the Board:

a. Based on the preponderance of the evidence for each allegation, the board finds that by a vote of 3 to 0, Seaman Lewis, the Respondent, has committed misconduct due to a pattern of misconduct as evidenced by two nonjudicial punishments and one civil conviction, a misdemeanor.

Based on the preponderance of the evidence for each allegation, the board finds that by a vote of 3 to 0, Seaman Lewis, the Respondent, has committed misconduct due to drug abuse as evidenced by the nonjudicial punishment on 19 December 19CY(-1) for wrongful use of marijuana on 1 December 19CY(-1).

b. Specific evidence considered relating to acts, omissions, or circumstances alleged in the letter of notification included:

(1) Commanding Officer's Nonjudicial Punishment on 16 July 19CY(-1)

(2) Commanding Officer's Nonjudicial Punishment on 19 December 19CY(-1)

(3) Civil Conviction, a misdemeanor, on 31 July 19CY(-1).

c. Activities from prior enlistments or periods of obligated service, including records of conviction by court-martial, records of absence without leave, or commission of other offenses for which punishment was not imposed was not considered on the issue of characterization.

3. Recommendation: By a vote of 3 to 0, the board recommends:

- a.  retention.
- b.  separation.
- c.  separation but suspended for \_\_\_\_\_ months.

Subj: REPORT OF AN ADMINISTRATIVE BOARD IN THE CASE OF SN JOHN Q. LEWIS, USN, 422-33-5555

4. Member is is not Fleet Reserve/Retirement eligible. (If eligible) By a vote of ( ) to ( ), the board recommends transfer to the Fleet Reserve/Retired List in current/reduced pay grade ( ).

5. (If separation is recommended) By a vote of (3) to (0), the board ~~does~~ does not recommend member for transfer to the Individual Ready Reserve (IRR).

6. (If separation is recommended) By a vote of 2 to 1, the characterization of discharge recommended is:

- a. VV Under Other Than Honorable Conditions (OTH)
- b. \_\_\_\_\_ General (Under honorable conditions) (GEN)
- c. \_\_\_\_\_ Honorable (HON).
- d. \_\_\_\_\_ Entry Level Separation (ELS).

7. Signatures of board members:

Victor Vector  
VICTOR VECTOR  
CDR, USN  
Senior Member

John Johns  
JOHN JOHNS  
LCDR, USN  
Member

Roger Rigor  
ROGER RIGOR  
LT, USN  
Member

8. Dissent: It is my recommendation that the respondent be separated with a General discharge. Based on the testimony of Seaman Lewis' supervisor and his unsworn statement, it is my belief that the respondent was not given the proper counseling with regards to his first alcohol incident. Had he been given such counseling, the other incidents may not have occurred.

Roger Rigor  
ROGER RIGOR  
LT, USN  
Dissenting Member

Counsel for the respondent ~~does~~ does not intend to submit a letter of deficiencies by 19 April 19CY.

Irep Them  
IREP THEM  
LTJG, JAGC, USNR  
Counsel for the Respondent

## **AVAILABILITY OF NAVAL JUSTICE SCHOOL PUBLICATIONS**

Naval Justice School (NJS) publications are readily available to commands in hard copy or on fiche from the Defense Technical Information Center (DTIC) and electronically for downloading from the School's electronic bulletin board (EBB). They are available to individuals in hard copy or on fiche from the National Technical Information Center (NTIC). *Because of funding restraints, they are not available directly from NJS.*

### ***Defense Technical Information Center***

In order for a command to purchase publications from DTIC, the command must be a registered user. Commands not already registered with DTIC may obtain registration forms and information on ordering publications by writing to:

Defense Technical Information Center  
Attention: Code DTIC-FDRA  
Cameron Station, Building 5  
Alexandria, VA 22304-6145

or calling commercial (202) 274-7633 or DSN 284-7633. The cost of all hard copy publications is \$6.00 for the first 100 pages, with an additional \$ .10 per page (over 100 pages), and \$4.00 for a microfiche copy. In addition to registering with DTIC, the command normally must establish a deposit account with the National Technical Information Service (NTIS) as the means of funding purchases from DTIC. Information on such a deposit account is supplied by DTIC when a command registers as a DTIC user. When ordering from DTIC, publications should be identified by both title and AD number. (A listing of publications and their AD numbers appears below).

### ***National Technical Information Center***

NJS publications are also available to individual purchasers through the Commerce Department's National Technical Information Service (NTIS); however, the purchase price of the publications through NTIS is substantially higher. The cost of all publications from NTIS is \$6.95 per microfiche copy, with various prices for paper copy (depending on the number of pages in the publication). Information on ordering publications from NTIS may be obtained by writing to:

U.S. Department of Commerce  
National Technical Information Service  
5285 Port Royal Road  
Springfield, VA 22161

### ***NJS Electronic Bulletin Board (EBB)***

An alternative means of obtaining an even wider range of our publications, including Professional Development Program (PDP) modules, is by downloading them from our EBB at DSN 948-3990 or commercial (401) 841-3990, 8-N-1, 1200/2400/9600/14.4 BAUD.

In order to download a file from the NJS EBB, you must do three basic things: (1) Obtain the name of the file you wish to download; (2) tell the BBS that you wish to download the file; and (3) tell your communications program to commence the download. That's it!

***Obtaining the name of a file to download***

First, obtain a list of all categories (file directories) from the main conference by entering "F" (without the quotes) at the main menu. You will be presented with a list of file directories with titles like: "Evidence Study Guide," "Procedure Study Guide," etc. (There are 23 file directories -- #'s 11-21 are NJS publications.) To display the individual file titles, enter the number of the directory you want (e.g., "14" for the Evidence Study Guide). You will receive a list of file names and descriptions. Jot down the names of those you wish to download.

***Telling the EBB that you wish to download a file***

To tell the EBB that you wish to download a file from either the files listing or the main menu, type "D" (again, without the quotes). You will be presented with this list of download protocols:

(Z)	Zmodem Batch	(P)	Zmodem Batch (PCP)
(R)	Zmodem Resume Aborted D/L	(Y)	Ymodem Batch
(O)	Xmodem-1K (Old Ymodem)	(C)	Slow Xmodem/CRC
(F)	Qmodem-1K-G (Full flow)	(G)	Ymodem-G
(M)	MobyTurbo Zmodem		

Use the Zmodem Batch (Z) if you have it. If not, use Xmodem-1K (Old Ymodem) (O). If you get funny characters (line noise) when using this protocol, use Slow Xmodem/ CRC (C) instead.

After you select the protocol, you will be asked for the file name. After you type it, the EBB software will find the file and indicate that it is ready to send it.

***Telling your communications program to commence the download***

At this point, you must tell your communications package to start receiving the file. In most communications packages, you merely have to hit the PgDn key, select the same protocol as you told the EBB you were using, and give the receiving file a file name on your computer (e.g., A:\FILENAME.ZIP). *Note: The EBB gives you about 20 seconds to start the download or it will assume that something is wrong and abort the process.* Repeat the second and third steps to download additional files.

***NJS publications available through DTIC***

***Military Justice Study Guide*** (April 1992 edition). This publication is a basic text on military justice covering areas of procedure, evidence, and criminal law. Its use is intended for those military personnel who are not lawyers, but need a basic reference tool on military justice. It is used as a text in our legal officer, senior officer, legalman, and legal clerk courses. The AD number is AD-A252104. Number of pages: 726.

***Commander's Handbook on Military and Civil Law*** (January 1992 edition). This text is intended to familiarize commanding officers, executive officers, and officers in charge with the UCMJ and civil law matters relating to command legal responsibilities and the administration of military law. The AD number is AD-A247409. Number of pages: 562.

***Civil Law Study Guide (Lawyer)*** (April 1993 edition). This text is a survey of civil law in the military, covering such topics as JAG Manual investigations, administrative separations, claims, Privacy Act, etc. It is used as a text in our lawyer and staff judge advocate courses. The AD number is AD-A280527. Number of pages: 486.

**Civil Law Study Guide (Legal Officer)** (April 1993 edition). This text is a survey of civil law in the military, covering such topics as JAG Manual investigations, administrative separations, claims, Privacy Act, etc. It is used as a text in our legal officer, legalman, and legal clerk courses. The AD number is AD-A280526. Number of pages: 400.

**Criminal Law Study Guide** (January 1994 edition). This text is used in teaching lawyers substantive criminal law. It provides an excellent survey of crimes in the military. The AD number is AD-A280528. Number of pages: 598.

**Evidence Study Guide** (July 1992 edition). This text is used in teaching evidence to lawyers. The AD number is AD-A255264. Number of pages 710.

**Procedure Study Guide** (April 1994 edition). This text is used in teaching military justice procedure to lawyers. The AD number is AD-A\_\_\_\_\_. (Note: New AD number pending.) Number of pages: 582.

**Evidentiary Foundations** (January 1989 edition). A practical guide for lawyers to predicate questions used for laying the proper evidentiary foundations for the admissibility of evidence. The AD number is AD-A210405. Number of pages: 118.

**Aids to Practice** (January 1991 edition). A practical guide to forms used in military trial practice. The AD number is AD-A165312. Number of pages: 302.

**Staff Judge Advocate Deskbook** (October 1991 edition). This text is a survey of administrative, criminal, and labor law topics encountered by command legal advisors. It is used as the basic text in our Staff Judge Advocate Course. The AD number is AD-A243995. Number of pages: 958.

**Coast Guard Handbook on Military and Civil Law** (April 1989 edition). This text is used to instruct Coast Guard lawyer students in foundational concepts of military and civil law. The AD number is AD-A210046. Number of pages: 476.

**Environmental Law Deskbook** (October 1991 edition). This text is used as a ready reference for the judge advocate with no environmental law background. Each chapter is designed to provide an overview of the key topics in each significant area and, at a minimum, enhance the reader's ability to spot issues. The AD number is AD-A243974. Number of pages: 302.

**Legalman / Legal Clerk Study Guide** (November 1994 edition). This text covers areas of instruction for legalman and legal clerk students. It is used as a basic text in all paralegal courses. The AD number is AD-A\_\_\_\_\_. (Note: AD number pending.) Number of pages: 432.