

AIRES DETAILED INSPECTION CHECKLIST

FA	SC	STMT	TEXT
090			<p>LEGAL ADMINISTRATION Functional Area Manager: JA-2 Point of Contact: CWO4 ROBERT M HALL (DSN) 224-8159 (COML) 703-693-8159 Date Last Revised: 15 February 2011</p>
090	01		ABSENTEES AND DESERTERS
090	01	001	<p>Have personnel who have been absent for a period in excess of 30 days been declared a deserter and dropped from the unit's rolls? Reference MCO P5800.16A W/CH 1-5, PAR 5002</p>
090	01	002	<p>If a Marine is reported in MCTFS as UA or is dropped and declared a deserter, is the correct information recorded on the UPB (NAVMC 10132) and are processes in place to properly distribute the UPB? Reference MCO P1070.12K W/CH 1, PAR 4007; MCO P5800.16A W/CH 1-5, PAR 5002.2</p>
090	01	003	<p>Are DD Form 553 being prepared, maintained and properly distributed by the unit in accordance with the reference, including CMC (PSL), document side of the SRB, primary next of kin and the units assigned reporting and prisoner escorts? Reference MCO P5800.16A W/CH 1-5, PAR 5003.2D(6), FIG 5-10</p>
090	01	004	<p>Are SRB, health and dental records for deserters forwarded to CMC (PSL) on the 91st day of absence? Reference MCO P5800.16A W/CH 1-5, PAR 5003.2D(8)</p>
090	01	005	<p>Are SRBs requested from CMC (PSL) on returnees from UA/desertion? Reference MCO P5800.16A W/CH 1-5, PAR 5009.7A(2)</p>
090	01	006	<p>Is a DD Form 616 being prepared for returnees from UA/desertion and are they maintained and properly distributed to the recipients of the DD Form 553 and DFAS, Kansas City? Reference MCO P5800.16A W/CH 1-5, PAR 5010.6A(4) AND 5017.2</p>
090	01	007	<p>Has the command reported the UAs of those personnel who have failed to report to a duty station or intermediate station for transportation by the hour/date specified on official orders? Reference MCO P5800.16A, PAR 5002.1 AND 2</p>
090	01	008	<p>Are straggler orders properly being distributed to include the pay adjustment authorization (DD Form 139)? Reference MCO P5800.16A W/CH 1-5, PAR 5010.5D</p>

- 090 01 009 Has the command requested by message that the local unit assume cognizance for personnel confined as a result of civil sentencing, In Hands of Civil Authorities (IHCA), who have not received the request for or waiver of rights and a copy of the physical examination within 14 days of such judgment?
Reference
MCO P5800.16A W/CH 1-5, PAR 5015.2A
- 090 02 FILES
- 090 02 001 Are legal files properly established and maintained?
Reference
SECNAV M-5210.1, CHAP 5; MCO 5210.11E
- 090 02 002 Does the unit have complete file copies of each JAG Manual Investigation processed during the past 2 years?
Reference
SECNAV M-5210.1, CHAP 5, PG III-5-64; JAGINST 5800.7E W/CH 1 AND 2, CHAP 2, SECT 0209F(3)
- 090 02 003 Does the unit have a complete file copy of each administrative discharge processed during the past 2 years?
Reference
SECNAV M-5210.1, CHAP 1, PG III-1-40-41
- 090 02 004 Is each legal file folder labeled with a standard subject identification codes and open/close data?
Reference
SECNAV M-5210.2, PART I AND II; SECNAVINST 5210.80, PAR 6D; MCO 5210.11E, PAR 4A(2) (J)
- 090 02 005 Does each legal file folder have disposal instructions on the outside of the folder?
Reference
SECNAV M-5210.1, PART I-IV; SECNAVINST 5210.80, PAR 7C(5); MCO 5210.11E, PAR 4B(5)
- 090 02 006 Are legal files properly retired/disposed of?
Reference
SECNAV M-5210.1, PART III, PAR 5813.3
JAGINST 5800.7E W/CH 1&2, CHAP I, PAR 0154 AND 0162
MCO 5210.11E, PAR 4B(5)
- 090 02 007 Is a disclosure form attached to each JAG Manual investigation, where personal information is contained pertaining to an individual of the record (recommended).
Reference
JAGINST 5800.7E W/CH 1&2, CHAP II, PAR 0207E(3) MCO P5211.2, CHAP 7
- 090 02 008 Do all JAG Manual Investigations comply with time limitations set for completing, reviewing and forwarding?
Reference
JAGINST 5800.7E W/CH 1&2, PAR 0203E, 0206C(9), 0209F, 0210C(7), 0210F(1) AND 0225

090 02 009 Do JAG Manual Investigations that do not comply with time limitations have an explanation of the delay in an endorsement or in the IO's preliminary statement?
Reference
JAGINST 5800.7E W/CH 1 AND 2, CHAP II, PAR 0208C

090 03 COURTS-MARTIAL /NJP

090 03 001 Does the unit exercise court-martial jurisdiction? If yes, circle level of jurisdiction: SPCM/SCM.
Reference
NONE

090 03 002 Does the unit have complete summary and special courts-martial case files for each case tried within the past 2 years?
Reference
SECNAV M-5210.1, SECT III, PAR 5813

090 03 003 Is a UPB (NAVMC 10132) being utilized in each instance where NJP is imposed on Marine enlisted personnel with a separate binder for each calendar year?
Reference
MCO P5800.16A W/CH 1-5, PAR 3006.1 AND 3006.10

090 03 004 Are UPBs maintained alphabetically for 2 full years in a loose-leaf binder with disposal instructions on the binder?
Reference
MCO P5800.16A W/CH 1-5, PAR 3006.10; SECNAVINST M-5210.1, PAR 5812

090 03 005 Is a summarization of the NJP proceedings attached to the UPB form?
Reference
MCO P5800.16A W/CH 1-5, PAR 3006.6

090 03 006 Are original letters of appeal and allied papers filed with the UPB files of the unit which conducted the NJP?
Reference
MCO P5800.16A W/CH 1-5, PAR 3006.6

090 03 007 Are all NJPs run on unit diary with the exception of non-punitive measures prescribed in the reference?
Reference
MCM, PART V, PAR 1G

090 03 008 Are entries recorded on the UPB consistent with entries recorded on the unit diary?
Reference
MCO P5800.16A W/CH 1-5, PAR 3006.5(Q); MCO P1080.40, PAR 70503

090 03 009 Are punishments imposed in compliance with allowable maximum punishments?
Reference
ARTICLE 15, UCMJ, PART V, PAR 5, MCM; JAGINST 5800.7E W/CH 1 and 2, CHAP I, PAR 0111

090 03 010 Are appeals requesting stays of punishment involving restriction/extra duties acted on within 5 days? If not, are punishments automatically stayed?
Reference
MCM, PART V, PAR 7D

090 03 011 The following questions apply to each UPB for the past 2 calendar years:

- a. Item 1 includes article(s) of the UCMJ violated and a brief summary of each offense alleged with date, time, and place of the alleged offense?
- b. Item 2 complete as to date and signature with inapplicable portions lined out?
- c. Item 3 complete as to date and signature?
- d. Item 4 after advising the accused of their opportunity to consult with counsel prior to electing to accept NJP, the violation of the article(s) of the UCMJ, and whether they accept NJP, did the accused date and sign this block?
- e. Item 5 are current and previous UA's in excess of 24 hours, and current and previous desertions recorded?
- f. Item 6 complete and accurate concerning punishment(s) adjudged?
- g. Item 7 complete and accurate concerning suspension of all or part of punishment awarded or is the word "None" recorded?
- h. Item 8 complete concerning name, grade and title of the officer who took final action?
- i. Item 9 signed by the officer imposing punishment?
- j. Item 10 properly reflect notification date?
- k. Item 11 signed by the officer imposing punishment?
- l. Item 12 signed and dated by the person whom punishment has been imposed?
- m. Item 13 complete or are the words "Not appealed" recorded?
- n. Item 14 complete or left blank?
- o. Item 15 complete or left blank?
- p. Item 16 complete or left blank?
- q. Item 17 complete as to initials of the officer responsible for required administrative action?
- r. Item 18 correctly reflect complete unit?

s. Item 19 correctly reflect last name, first name, and middle initial?

t. Item 20 correctly reflect grade and pay grade?

u. Item 21 correctly reflect SSN?

Reference

MCO P5800.16A W/CH 1-5, PAR 3006.5

090 04 SVC RECORD BOOK (PGS 3, 11, 13 and NAVMC 10132 (UPB))

090 04 001 Are processes in place to maintain and properly distribute Unit Punishment Books (NAVMC 10132) and records of conviction by courts-martial (page 13)?

(1) File original in SRB

(2) Copy to OMPF

(3) Copy to unit files

(4) Copy to member (Unit Punishment Books only)

Reference

MCO P1070.12K W/CH 1, PAR 4008.4A

090 04 002 Are counseling entries prepared pursuant to paragraph 6105, MCO P1900.16F CH 2, and do they contain all elements that would satisfy the requirements for use in specified involuntary separation proceedings?

(1) Written notification concerning deficiencies or impairments;

(2) Specific recommendations for corrective action;

(3) Assistance availability;

(4) Comprehensive explanation of the consequences of failure to successfully take the recommended corrective action;

(5) Reasonable opportunity for the Marine to undertake the recommended corrective action; and

(6) Proper authorized signatures.

Reference

MCO P1900.16F CH 2, PAR 6105;

MCO P1070.12K W/CH 1, PAR 4006.3R

090 04 003 Are processes in place to ensure paragraph 6105, MCO P1900.16F, CH 2 counseling entries are properly entered into a Marine's Service Record book and a copy is forwarded to the member's OMPF?

Reference

MCO P1900.16F CH 2, PAR 6105;

MCO P1070.12K W/CH 1, PAR 4006.3R

090 04 004 Are signatures on the UPB that of the Commander or as authorized by paragraph 3006 of MCO P5800.16A?

Reference

MCO P1070.12K W/CH 1 AND MCO P5800.16A W/CH 1-5, PAR 3006

090 04 005 If a Commander intends for an oral reprimand to be non-punitive, is the UPB being retained or disposed?

Reference

MCO P1070.12K W/CH 1

090 04 006 If a hearing of NJP results in no punishment imposed, is the UPB being retained or disposed?
Reference
MCO P5800.16A W/CH 1-5, PAR 3006.10C

090 04 007 Are SRB page 13 entries prepared after trial complete and accurate with respect to the following:

- a. Prepared in duplicate (both copies signed with original in SRB)?
- b. Item 1 correctly reflects organization and unit of the accused?
- c. Item 2 correctly reflects Booker Statement (for summary court-martial only)
- d. Item 3 correctly reflects type and date of court?
- e. Item 4 correctly reflects the offense(s)?
- f. Item 5 reflects correct findings for each offense?
- g. Item 6 entry made concerning counsel representation?
- h. Item 7 reflects correct sentence adjudged?
- i. Item 8 reflects correct action taken by the convening authority and date of convening authority's action?
- j. Item 9 reflects date and unit diary number.
- k. Item 10 authentication of page 13 reflects "By direction" when the page is signed by an officer other than the commanding officer?
- l. Item 11 reflects grade of officer signing?
- m. Item 12 reflect the title and organization of the officer signing?

Reference
MCO P1070.12K W/CH 1, PAR 4008.2B(1)

090 04 008 Are any SRBs required to have, but are missing page 13 and/or 13a?
Reference
MCO P1070.12K W/CH 1, PAR 4008

090 05 RESTRAINT AND CONFINEMENT

090 05 001 Does the unit understand the criteria for pretrial restraint/confinement?
Reference
R.C.M 304 AND 305, UCMJ; ARTICLE 10, UCMJ

090 05 002 Does the unit have a command visitation program?
Reference
SECNAVINST 1640.9C, PAR 7208

- 090 05 003 Do all post-trial confinement orders, DD2207 annotate whether DNA collection/processing is required pursuant to 10 USC 1565?
Reference
10 U.S.C §1565
- 090 06 NONPUNITIVE REDUCTIONS
- 090 06 001 Did the commander that convened/conducted the Competency Review Board (CRB) have the authority to administratively reduce the Marine processed?
Reference
MCO P1400.32D, PAR 6001.1D
- 090 06 002 Was the Marine counseled previously concerning the noted deficiency and afforded an opportunity to take corrective action?
Reference
MCO P1400.32D, PAR 6001.2B AND 6001.3A; MCO P1900.16F CH 2, PAR 6105
- 090 06 003 Did Marines serving in the rank of PFC and LCpl appear before a CRB consisting of the commander, as defined in paragraph 1200.3b of the MARCORPROMMAN, VOL ENLPROM.
Reference
MCO P1400.32D, PAR 6001.2C(2)
- 090 06 004 Was the Marine provided written notice of the initiation of a CRB?
Reference
MCO P1400.32D, PAR 6001.3B
- 090 06 005 Was the Marine advised of their rights at a CRB and did they acknowledge those rights?
Reference
MCO P1400.32D., PAR 6001.3B(1) AND (2);
MARCORPROMMAN, VOL 2, ENLPROM
- 090 06 006 Was a CRB report completed and forwarded to the Reduction Authority?
NOTE: The reduction authority may or may not be the same person as the convening authority.
Reference
MCO P1400.32D., PAR 6001.4H(3) AND 6001.5A-E;
MARCORPROMMAN, VOL 2, ENLPROM
- 090 06 007 Was the Marine reduced only one pay grade as a result of any single action taken at a CRB? (unless reduced under the authority of par 6002, a failure to complete qualifications in an intended MOS)
Reference
MCO P1400.32D., PAR 6001.5A; MARCORPROMMAN, VOL 2, ENLPROM
- 090 06 008 Was the Marine fully informed of their right to appeal the reduction?
Reference
MCO P1400.32D., PAR 6001.; MARCORPROMMAN, VOL 2, ENLPROM

- 090 06 009 If a Marine is found to be incompetent, technically and/or professionally, and reduced, was the CRB report, all endorsements therein, and the report of final action taken on appeals, forwarded to CMC (MMSB) to be made part of the Marine's official record?
Reference
MCO P1400.32D. PAR 6001.9B; MARCORPROMMAN, VOL 2, ENLPROM
- 090 06 010 Does the unit have a complete file copy of each CRB conducted during the past 2 years?
Reference
SECNAV M-5210.1, PART III, CHAP 1, PG III-1-21
- 090 06 011 Is each CRB file folder labeled with a standard subject identification code, open/close date, and appropriate disposal instructions?
Reference
SECNAVINST 5210.80, PAR 6D; MCO 5210.11E, PAR 4A(2) (J)
- 090 07 GENERAL
- 090 07 001 Does the unit maintain a disciplinary status monitoring system, e.g., log of pending/working cases, status board, etc., pertaining to courts-martial, administrative discharges, JAG Manual Investigations, NJP appeals, claims, legal holds, and other pending disciplinary proceedings?
Reference
NONE
- 090 07 002 What system is in effect for placing an accused and witness on legal hold for a court-martial?
Reference
MCO P5800.16A W/CH 1-5, PAR 3001; MCO P1900.16F CH 2, PAR 1008
- 090 07 003 What procedures are implemented to ensure a member is processed for appellate leave, if applicable? Describe briefly.
Reference
SECNAVINST 1050.1A; MCO 1050.16A
- 090 08 MANAGEMENT CONTROL REVIEW
- 090 08 001 Are turnover binders/Standard Operating Procedures (SOP) implemented to ensure continuity in the positions of legal officer and legal clerk?
Reference
NONE
- 090 08 002 Does the turnover binder/SOP include at a minimum the following:
- a. Procedures and discussion outlines available for:
 - I. NJP Processing?
 - II. Courts-martial Processing?
 - III. Administrative Discharge Processing?
 - IV. JAG Manual Investigation Processing?
 - V. Appellate Leave Processing?
 - VI. NON-PUNITIVE REDUCTIONS? (Competency Review Board processing)

b. Current Forfeiture Chart.

During the past 12 months, the total number of:

NJPs _____
SCMs _____
SPCMs _____
GCMs _____
AdSepts _____
JAGMAN _____
CmdInves: _____
Death: _____
Adverse LOD: _____
Motor Vehicle: _____

Reference
NONE

090 08 003 Has the unit assigned a legal officer in writing?
Reference
NONE

090 08 004 Has the unit legal officer attended the Legal Officer's Course,
Naval Justice School? (Not mandatory)
Reference
NONE

090 08 005 Have prisoner escort personnel undergone prisoner escort training?
Reference
SECNAVINST 1640.9C

090 09 REFERENCES

090 09 001 Are the following publications with all changes available
(electronic or hardcopy):

Manual for Courts-Martial 2008
MARCORSEPMAN (MCO P1900.16_ W/CH 1-2)
JAG MANUAL (JAGINST P5800.7_)
LEGADMINMAN (MCO P5800.16_ W/CH 1-5)
MARINE CORPS MANUAL W/CH 1-3(1980)
IRAM (MCO P1070.12K W/CH 1)
SECNAVINST 5815.3_ DON Clemency and Parole System
JER CH 6 (DOD DIR 5500.7_ of 30 Aug 93)
SECNAVINST 1050.1_ Leave Awtg Review of Punitive discharge or AdSep
SECNAV M-5210.1, DoN Navy Records Management Program Records
Management Manual
RECORDS MANAGEMENT PROGRAMS FOR THE MARINE CORPS (MCO 5210.11E)

PRIVACY ACT OF 1974 (MCO P5211.2B)
SECNAVINST 1640.9C DON Corrections Manual
BASE BRIG ORDER (if applicable)
ENLISTED PROMOTION MANUAL (MCO P1400.32D W/CH 1)
Reference
NONE