

References

- (a) SECNAVINST 1920.6C
- (b) MCO 5800.16A CH 7(LEGADMINMAN)
- (c) JAGINST 5800.7F (JAGMAN)
- (d) MCO P1070.12K (IRAM)
- (e) MCO P 1900.16 (MARCORSEPMAN)

Note: All figures from Ref. b are available through the "FORMS" TAB on the JAD public website.

### ***OFFICER MISCONDUCT PACKAGE CHECKLIST***

**ALL MISCONDUCT PACKAGES**

- Appropriate Report(s) (Misconduct, NJP, BOI, Civilian Conviction, Court-Martial Conviction)<sup>1</sup>
- Supporting Documents Relating to Misconduct (see below)
- Acknowledgment that adverse matters will be included in SNO's OMPF

**ALL SEPARATION PACKAGES**

- PTSD/TBI Screen (MARADMIN 328/10; Ref. b § 4002.2.c) (if screened positive for PTSD/TBI, screen must state if PTSD/TBI was a contributing factor to SNO's misconduct)
- Recommendation as to characterization of service<sup>2</sup>, or if eligible, a retirement grade<sup>3</sup>
- Education reimbursement recommendation, if applicable

**ALCOHOL-RELATED INCIDENT** (MARADMIN 316/01; Ref. b § 4002.1.b) (Includes all reports of DUI/DWI, even if

reduced to a non-alcohol related charge *i.e.* reckless driving)

- SACC screen
- Related referral and treatment documents
- Completion certificate(s) of recommended treatment

**SUPPORTING DOCUMENTS RELATING TO MISCONDUCT**

- Preliminary Inquiry
- Command Investigation
- NCIS investigation
- CID investigation
- IG investigation
- Police Report
- Article 32 investigation

**REPORT OF MISCONDUCT**<sup>4</sup> (Ref. b, § 4005.3.c.2)

- Report of Misconduct (Ref. b, Fig 4-9)
- Supporting documents relating to misconduct (see above)
- Evidence of alternative administrative disposition, if applicable (*i.e.*, NPLOC<sup>5</sup>)
- Acknowledgement of receipt of the Report of Misconduct and matters, if any<sup>6</sup> (Ref. b, Fig. 4-8)
- Adverse matters recommendation
- Show cause recommendation

**NJP IMPOSED (REPORT OF NJP)** (Ref. b, § 4005.3.c.3; Ref. c, Ch. I, Part B)

- Notification of NJP Hearing (Ref. b, Fig. 4-1/4-2; Ref. c, Append. A-1-i)
- Acceptance of NJP (Ref. b, Fig. 4-1/4-2)
- Supporting documents relating to the misconduct considered at the NJP (see above; Ref. b, § 4005.3.c)
- Matters submitted by SNO at the NJP, if any<sup>7</sup>
- Acknowledgement of appeal rights and matters, if any (Ref. b, Fig 4-3)
- Acknowledgement of punitive letter of reprimand and matters, if any<sup>8</sup> (Ref. b, Fig. 4-4; Ref. c, § 0114 & A-1-h; Ref. d §1000.4.a.2)
- Report of NJP (Ref. b, Fig. 4-5)
- Acknowledgement of receipt of Report of NJP and matters, if any<sup>9</sup> (Ref. b, Fig. 4-8)
- Verbatim Transcript of NJP (Ref. b, § 4005.3.c.3)

- **BOI HELD (REPORT OF THE BOI)** (Ref. a, Encl. (8); Ref. b, § 4007)
  - BOI direction letter signed by a SCA/ASCA (LtGen in Command) (Ref. b, Fig. 4-14/4-15)
  - Notification of the BOI (Ref. a, Encl. (8), Para. 5; Ref. b, Fig. 4-16/4-17)
  - Acknowledgement of receipt of the Notification of the BOI (Ref. b, Fig. 4-16/4-17 page 6)
  - Appointing Order signed by a GCMCA (Ref. b, Fig. 4-18)
  - Respondent requests and actions thereon (delay, witnesses, etc.)
  - Exhibits presented by the recorder (Ref. a, Encl. (8), Para. 12.a.1)
  - Exhibits presented by counsel for the respondent (Ref. a, Encl. (8), Para. 12.a.1)
  - Findings Worksheet (Ref. b, Fig. 4-21a/4-21b)
  - Finding on each of the reasons for separation
  - Separation recommendation
  - If separation recommended, states recommended characterization of service<sup>10</sup>; or if retirement-eligible, recommended retirement grade<sup>11</sup>
  - Performance or conduct identified more than 5 years prior to the initiation of processing does not form the basis for separation (Ref. a, Encl. (4), Para. 11.e)
  - Verbatim or summarized transcript of the BOI (authenticated)<sup>12</sup>
  - Acknowledgement of receipt of the BOI transcript and corrections, if any<sup>13</sup>
  - Report of the BOI (Ref. a, Encl. (8), Para. 12; Ref. b, Figs. 4-22/4-23)
  - Minority Report explaining extent of nonconcurrency and reasons therefore (Ref. a, Encl. (8), Para. 12.d; Ref. b, Fig. 4-24)
  - Acknowledgement of receipt of the Report of the BOI and matters, if any<sup>14</sup> (Ref. a, Encl. (8), Para. 12.e; Ref. b, Fig. 4-8)
  - The Report of NJP, Civilian Conviction, or Misconduct that preceded the BOI, with endorsements
  
- **BOI WAIVER** (Ref. a, Encl. (8), Para. 8; Ref. b, § 4008.4)
  - Waiver in accordance with the references (Ref. b, Fig. 4-33/4-34)
  - Relevant report(s) as provided above
  
- **REPORT OF CIVILIAN CONVICTION** (Ref. b, § 4005.3.c.4)<sup>15</sup>
  - Documentation reflecting the civilian conviction<sup>16</sup>
  - Proof of completion of any terms of the civilian conviction (if applicable)
  - Acknowledgement of receipt of the Report of Civilian Conviction and matters, if any<sup>17</sup> (Ref. b, Fig. 4-8)
  
- **REPORT OF COURT-MARTIAL CONVICTION** (Ref. b, § 4005.3.c.5)<sup>18</sup>
  - Documentation reflecting the court-martial conviction
    - ◇ Result of Trial
    - ◇ Convening Authority's Action
    - ◇ Transcript
  - Proof of completion of any terms of the court-martial conviction
  - Acknowledgement of receipt of the Report of Court-Martial Conviction and matters, if any<sup>19</sup> (Ref. b, Fig. 4-8)
  
- **SEPARATION VIA NOTIFICATION PROCEDURES** (Ref. a, Encl. 7; Ref. b, § 4008)<sup>20</sup>
  - Recommendation in accordance with the references (Ref. b, Fig. 4-29)
  - Notification in accordance with the references (Ref. b, Fig. 4-27)
  - Acknowledgement of receipt of notification and matters, if any<sup>21</sup> (Ref. b, Fig. 4-28)
  - Supporting documents relating to misconduct (see above)
  - Relevant report(s) as provided above
  - Performance or conduct identified more than 5 years prior to the initiation of processing does not form the basis for separation (Ref. a, Encl. (4), Para. 11.e)
  
- **RESIGNATION IN LIEU OF FURTHER ADMINISTRATIVE PROCESSING** (Ref. a, Encl. 4, Para. 12.a; Ref. b, § 4008.3; Ref. e, § 4104)

- Recommendation in accordance with the references (Ref. b, Fig. 4-31)
    - ◇ States the resignation is for cause and is being offered in lieu of further administrative separation processing
  - Provides a basis (nature and circumstances of the conduct) and SNO admits to the basis or misconduct (Ref. b, § 4008.3.2.g)
    - ◇ Appropriate statement corresponding to type of discharge requested (Ref. e, § 4104.3)
      - ▽ Unqualified (Hon), Qualified (Gen), Good of the Service (OTH)
  - Supporting documents relating to misconduct (see above)
  - Relevant report(s) as provided above
- **RESIGNATION IN LIEU OF TRIAL** (Ref. a, Encl. 3, Para. 1.d; Ref. e, § 4104.4)
- Recommendation in accordance with the references (Ref. b, Fig. 4-32)
    - ◇ Statement that SNO was afforded right to consult with qualified counsel
    - ◇ Request signed by counsel
    - ◇ SNO states he/she understands:
      - ▽ Elements of the offense(s) charged
      - ▽ That an OTH is authorized
      - ▽ Adverse nature of such characterization and possible consequences
    - ◇ Acknowledgement of guilt
    - ◇ Summary of the evidence
  - Supporting documents relating to misconduct (see above)
  - Relevant report(s) as provided above
- **RETIREMENT IN LIEU OF FURTHER ADMINISTRATIVE PROCESSING** (Ref. a, Encl. 6, Para. 2)
- Recommendation in accordance with the references (Ref. b, § 4008.3, Fig. 4-30)
    - ◇ States officer understands:
      - ▽ BOI will not be convened
      - ▽ SECNAV may retire officer in a lesser grade
    - ◇ Officer consulted with counsel
    - ◇ Officer admits that his/her performance of duty was substandard and/or admits committing misconduct
    - ◇ Request is voluntary and may only be withdrawn with the permission of SECNAV
  - Supporting documents relating to misconduct (see above)
  - Relevant report(s) as provided above

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<sup>1</sup> Pursuant to Ref. b, § 4005.3, the purpose of the Report is to provide a complete record of the misconduct for inclusion in the officer's OMPF and to provide the Show Cause Authority (SCA) with sufficient information to make the decision on whether to process the officer for administrative separation. Pursuant to Ref. d, § 1000, MMSB will file correspondence containing adverse

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material that the MRO has had the opportunity to contest, explain, or rebut. Such adverse material includes punitive letters of censure and reports of NJP, BOIs, courts-martial convictions, etc. An e-mail response from the respondent or his/her counsel is not acceptable.

<sup>2</sup> Ref. a, Encl. (5) and Ref. e, §1004 provide guidelines on characterization of service.

<sup>3</sup> Ref. a, Encl. (6) provides guidelines on retirement grade recommendations.

<sup>4</sup> Required in cases of substantiated officer misconduct not involving NJP, court-martial, or civilian conviction; cases involving NJP require a Report of NJP (Ref. b, § 4005.3.c.2). The facts and circumstances regarding the allegation of misconduct and disposition must be thoroughly explained in the Report of Misconduct. Pursuant to Ref. d, § 1000.4.c(2)(e), MMSB will not file documents related to law enforcement investigations or those created by any military or civilian law enforcement agencies. However, MMSB may insert summaries of substantiated misconduct/adverse information extracted from law enforcement investigations. Such material may be entered in the OMPF only after providing the Marine an opportunity to rebut.

<sup>5</sup> Report must not mention a NPLOC. The Report should state, "SNO's misconduct was addressed via administrative measures." (Ref. d, § 0105) Any such counseling must be forwarded to CMC(JAM) for informational purposes only; they will not be included in the Marine's OMPF.

<sup>6</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>7</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>8</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>9</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>10</sup> Ref. a, Encl. (5) and Ref. e, §1004 provide guidelines on characterization of service.

<sup>11</sup> Ref. a, Encl. (6) provides guidelines on retirement grade recommendations.

<sup>12</sup> Summarized required unless directed by a SCA (Ref. a, Encl. (8), Para. 12; Ref. b, § 4007.2.g); but it is encouraged to prepare a verbatim transcript if the BOI recommends separation or retirement.

<sup>13</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>14</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>15</sup> Required even if another report is created in the same case, *e.g.* SNO arrested for DUI and is pending a civilian court date. Meanwhile, the CG imposes NJP. Requires a Report of NJP and Report of Civilian Conviction, routed together after the civilian court hearing.

<sup>16</sup> The findings and sentence must be thoroughly explained in the Report of Civilian Conviction. Pursuant to Ref. d, § 1000.4.c(2)(e), MMSB will not file documents related to law enforcement investigations or those created by any military or civilian law enforcement agencies. However, MMSB may insert summaries of substantiated misconduct/adverse information extracted from law enforcement investigations. Such material may be entered in the OMPF only after providing the Marine an opportunity to rebut.

<sup>17</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>18</sup> Required if dismissal not adjudged.

<sup>19</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>20</sup> Available for probationary officers, which includes commissioned officers on the ADL with fewer than 6 years of active commissioned service; reserve commissioned officer with fewer than 6 years of commissioned service; regular warrant officers with less than 3 years; and reserve warrant officers with fewer than 6 years of service as a warrant officer.

<sup>21</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)