

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**

- SNO acknowledges that adverse matters will be included in their OMPF
- Every month command confirms whether SNO has impending mandatory separation/retirement/removal date; if so, advise JPL

**ALL SEPARATION PACKAGES**

- PTSD/TBI screen (MARADMIN 328/10; Ref. b § 4002.2.c)
  - ◇ If PTSD/TBI is positive, the screen must state whether PTSD/TBI was a contributing factor to SNO's misconduct, and the GCMCA must reference it in their endorsement
- Advanced education assistance reimbursement recommendation, if applicable
- Recommendation as to characterization of service<sup>1</sup>, or, if eligible, a retirement grade<sup>2</sup> (warrant officers cannot be retired in a lesser grade)

**SUBSTANCE ABUSE-RELATED INCIDENT** (MARADMIN 316/01; Ref. b § 4002.1.b)

- SACC screen
- Related referral and treatment documents
- Completion certificate(s) of recommended treatment
- Report required even if alcohol-related offense is reduced to a non-alcohol related charge, e.g., reckless driving

**SUPPORTING DOCUMENTS RELATING TO MISCONDUCT**

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

**REPORT OF MISCONDUCT<sup>3</sup>** (Ref. b, § 4005.3.c.2)

- Report of Misconduct (Ref. b, Fig 4-9) with supporting documents relating to misconduct
- Evidence of alternative administrative disposition, if applicable
- Acknowledgement of receipt of the Report of Misconduct and matters, if any<sup>4</sup> (Ref. b, Fig. 4-8)
- 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, appendix A-1-i)
- Acceptance of NJP (Ref. b, Fig. 4-1/4-2)
- Documents relating to the misconduct considered at the NJP (see above; Ref. b, § 4005.3.c)
- Report of NJP (Ref. b, Fig. 4-5)
- Acknowledgement of receipt of Report of NJP and matters, if any<sup>5</sup> (Ref. b, Fig. 4-8)
- Acknowledgement of appeal rights and matters, if any (Ref. b, Fig 4-3)
- Punitive letter of reprimand and acknowledgment, and matters, if any<sup>6</sup> (Ref. b, Fig. 4-4; Ref. c, § 0114 & A-1-h; Ref. d §1000.4.a.2)
- 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 (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 the respondent (Ref. a, Encl. (8), Para. 12.a.1)
  - Findings worksheet (Ref. b, Fig. 4-21a/4-21b) with finding on each of the reasons for separation
  - Separation recommendation
    - ◇ If separation recommended, state recommended characterization of service<sup>7</sup>; or, if retirement-eligible, state recommended retirement grade<sup>8</sup>
      - ▽ Warrant officers cannot be retired in a lesser grade
  - Performance or conduct identified more than five years prior to the initiation of processing cannot form the basis for separation (Ref. a, Encl. (4), Para. 11.e)
  - Verbatim or summarized transcript of the BOI (authenticated)<sup>9</sup>
  - Acknowledgement of receipt of the BOI transcript and corrections, if any<sup>10</sup>
  - Report of the BOI (Ref. a, Encl. (8), Para. 12; Ref. b, Figs. 4-22/4-23)
  - Minority report explaining extent of nonconcurrence and reasons therefor (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>11</sup> (Ref. a, Encl. (8), Para. 12.e; Ref. b, Fig. 4-8)
  - The Report of Misconduct, NJP, or Civilian Conviction that preceded the BOI, with endorsements
- **BOI WAIVER** (Ref. a, Encl. (8), Para. 8; Ref. b, § 4008.4)
  - Waiver IAW the references (Ref. b, Fig. 4-33/4-34)
- **REPORT OF CIVILIAN CONVICTION** (Ref. b, § 4005.3.c.4)<sup>12</sup>
  - Documentation reflecting the civilian conviction<sup>13</sup>
  - Proof of completion of the terms of the civilian conviction (e.g., fine, treatment, community service)
  - Acknowledgement of receipt of the Report of Civilian Conviction and matters, if any<sup>14</sup> (Ref. b, Fig. 4-8)
- **REPORT OF COURT-MARTIAL CONVICTION** (Ref. b, § 4005.3.c.5)<sup>15</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>16</sup> (Ref. b, Fig. 4-8)
- **SEPARATION VIA NOTIFICATION PROCEDURES** (Ref. a, Encl. 7; Ref. b, § 4008 )<sup>17</sup>
  - Recommendation IAW the references (Ref. b, Fig. 4-29)
  - Notification IAW the references (Ref. b, Fig. 4-27)
  - Acknowledgement of receipt of notification and matters, if any<sup>18</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 IAW the references (Ref. b, Fig. 4-31)
    - ◇ States resignation is for cause and is being offered in lieu of further administrative separation processing
  - Basis of misconduct is stated and SNO admits to the basis of 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 and relevant report(s) as provided above
  
- **RESIGNATION IN LIEU OF TRIAL** (Ref. a, Encl. 3, Para. 1.d; Ref. e, § 4104.4)
  - Recommendation IAW 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 and relevant report(s) as provided above
  
- **RETIREMENT IN LIEU OF FURTHER ADMINISTRATIVE PROCESSING** (Ref. a, Encl. 6, Para. 2)
  - Recommendation IAW 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 (warrant officers cannot be retired in a lesser grade)
    - ◇ Officer consulted with counsel
    - ◇ Officer admits 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 and relevant report(s) as provided above

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<sup>1</sup> Ref. a, Encl. (5) and Ref. e, §1004 provide guidelines on characterization of service.

<sup>2</sup> Ref. a, Encl. (6) provides guidelines on retirement grade recommendations.

<sup>3</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>4</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>5</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

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

<sup>8</sup> Ref. a, Encl. (6) provides guidelines on retirement grade recommendations.

<sup>9</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>10</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>11</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>12</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>13</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>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 if dismissal not adjudged.

<sup>16</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

<sup>17</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>18</sup> An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)